

**THIRTY SEVENTH DAY**

**MORNING SESSION**

Senate Chamber, Olympia, Tuesday, February 14, 2012

The Senate was called to order at 9:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Carrell and Ranker.

The Sergeant at Arms Color Guard consisting of Pages Forest Barnett and Zachary Watkins, presented the Colors. Bishop Greg Rickel of the Olympia Diocese Office Episcopal Church in Western Washington offered the prayer.

**MOTION**

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

**MOTION**

On motion of Senator Eide, the Senate advanced to the fourth order of business.

**MESSAGE FROM THE HOUSE**

February 13, 2012

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1508,  
 ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 1860,  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2253,  
 HOUSE BILL NO. 2488,  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2536,  
 HOUSE BILL NO. 2604,  
 SUBSTITUTE HOUSE BILL NO. 2615,  
 HOUSE BILL NO. 2624,  
 HOUSE BILL NO. 2697,  
 HOUSE BILL NO. 2738,  
 SUBSTITUTE HOUSE BILL NO. 2757.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

**MESSAGE FROM THE HOUSE**

February 13, 2012

MR. PRESIDENT:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 1556,  
 SUBSTITUTE HOUSE BILL NO. 2176,  
 SECOND SUBSTITUTE HOUSE BILL NO. 2216,  
 HOUSE BILL NO. 2405,  
 SECOND SUBSTITUTE HOUSE BILL NO. 2443,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2614,  
 SUBSTITUTE HOUSE BILL NO. 2673,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2722,  
 HOUSE BILL NO. 2758,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

**MESSAGE FROM THE HOUSE**

February 13, 2012

MR. PRESIDENT:

The House has passed:

SECOND SUBSTITUTE HOUSE BILL NO. 2156,  
 SUBSTITUTE HOUSE BILL NO. 2239,  
 SUBSTITUTE HOUSE BILL NO. 2263,  
 SUBSTITUTE HOUSE BILL NO. 2648.  
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

**MESSAGE FROM THE HOUSE**

February 13, 2012

MR. PRESIDENT:

The House has passed:

HOUSE BILL NO. 2240,  
 SUBSTITUTE HOUSE BILL NO. 2272,  
 SECOND SUBSTITUTE HOUSE BILL NO. 2289,  
 SUBSTITUTE HOUSE BILL NO. 2296,  
 SUBSTITUTE HOUSE BILL NO. 2297,  
 SUBSTITUTE HOUSE BILL NO. 2375,  
 HOUSE BILL NO. 2400,  
 HOUSE BILL NO. 2401,  
 SUBSTITUTE HOUSE BILL NO. 2416,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2570,  
 SUBSTITUTE HOUSE BILL NO. 2605,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2669.  
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

**MESSAGE FROM THE HOUSE**

February 13, 2012

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2302,  
 HOUSE BILL NO. 2304,  
 HOUSE BILL NO. 2353,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2372,  
 SUBSTITUTE HOUSE BILL NO. 2590,  
 SUBSTITUTE HOUSE BILL NO. 2733,  
 HOUSE BILL NO. 2735.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

**MOTION**

On motion of Senator Eide, the Senate advanced to the fifth order of business.

**INTRODUCTION AND FIRST READING**

SB 6596 by Senators Kastama, Hill, Hatfield, Holmquist Newbry, Tom, Fain, Hobbs, Litzow, Shin, Swecker, Sheldon, Padden, Chase, Morton, Honeyford, Kilmer, Murray, Rolfes, Haugen and Roach

AN ACT Relating to a balanced state budget; adding a new section to chapter 43.88 RCW; and providing for submission of this act to a vote of the people.

Referred to Committee on Ways & Means.

SB 6597 by Senators Keiser, Tom, Fain, Kastama, Murray and Schoesler

AN ACT Relating to the sale of works of art in the state art collection; and adding new sections to chapter 43.46 RCW.

Referred to Committee on Ways & Means.

#### INTRODUCTION AND FIRST READING OF HOUSE BILLS

EHB 2152 by Representatives Angel, Takko, Dammeier, Rivers, Kristiansen, Springer, Buys, Tharinger and Liias

AN ACT Relating to timelines associated with plats; amending RCW 58.17.140 and 58.17.170; and repealing 2010 c 79 s 3 (uncodified).

Referred to Committee on Government Operations, Tribal Relations & Elections.

2SHB 2170 by House Committee on Education Appropriations & Oversight (originally sponsored by Representatives Probst, Rivers, Hansen, Sells, Jinkins, Ryu, Ladenburg, Tharinger, Warnick, Maxwell, McCoy, Goodman, Springer, Appleton, Kenney, Roberts, Kirby, Green, Wylie, Ormsby and Orwall)

AN ACT Relating to encouraging multiple career pathways through information, exploration, planning, and program coordination; amending RCW 28A.230.097, 28C.18.060, 28B.76.526, 28C.18.162, 28C.18.164, 28C.18.166, 28B.92.030, 28B.92.084, 28A.700.060, 28A.600.045, 28A.230.090, 28A.230.010, and 28A.230.130; amending 2009 c 238 s 11 (uncodified); reenacting and amending RCW 28A.600.160; adding a new section to chapter 28A.320 RCW; adding a new section to chapter 28A.230 RCW; adding a new section to chapter 28A.410 RCW; adding a new section to chapter 28B.10 RCW; adding a new chapter to Title 28C RCW; creating new sections; recodifying RCW 28A.700.060; and providing an effective date.

Referred to Committee on Ways & Means.

SHB 2177 by House Committee on Public Safety & Emergency Preparedness (originally sponsored by Representatives Ladenburg, Dammeier, Jinkins, Zeiger, Darneille, Dahlquist, Seaquist, Angel, Kelley, Wilcox, Hurst, McCune, Kirby, Appleton, Green, Ryu, Warnick and Finn)

AN ACT Relating to protecting children from sexual exploitation; amending RCW 9.68A.001; and adding new sections to chapter 9.68A RCW.

Referred to Committee on Judiciary.

HB 2179 by Representatives Morris, Lytton and Kenney

AN ACT Relating to objections to liquor licenses by local governments; and amending RCW 66.24.010.

Referred to Committee on Labor, Commerce & Consumer Protection.

2SHB 2211 by House Committee on Health & Human Services Appropriations & Oversight (originally sponsored by Representatives Orwall, Ormsby, Upthegrove and Hunt)

AN ACT Relating to adoptees' access to information, including original birth certificates; amending RCW 26.33.330, 26.33.340, 26.33.345, and 26.33.020; and adding a new section to chapter 26.33 RCW.

Referred to Committee on Human Services & Corrections.

SHB 2254 by House Committee on Ways & Means (originally sponsored by Representatives Carlyle, Kagi, Reykdal, Darneille, Maxwell, Jinkins, Pedersen, Seaquist, Roberts, Dickerson and Kenney)

AN ACT Relating to improving outcomes for youth in and alumni of foster care; amending RCW 28B.117.010, 28B.117.020, 28B.117.040, 28B.117.070, 28B.118.010, 28A.150.510, 28A.300.525, and 28B.117.901; adding a new section to chapter 74.13 RCW; adding a new section to chapter 28A.320 RCW; adding a new section to chapter 28A.300 RCW; creating new sections; providing an effective date; and providing an expiration date.

Referred to Committee on Ways & Means.

E2SHB 2319 by House Committee on Ways & Means (originally sponsored by Representatives Cody, Jinkins and Ormsby)

AN ACT Relating to furthering state implementation of the health benefit exchange and related provisions of the affordable care act; amending RCW 43.71.010, 43.71.020, 43.71.030, 43.71.060, 48.42.010, 48.42.020, and 41.05.021; reenacting and amending RCW 48.43.005 and 41.05.011; adding new sections to chapter 48.43 RCW; adding new sections to chapter 43.71 RCW; adding a new section to chapter 70.47 RCW; adding new sections to chapter 48.41 RCW; adding a new section to chapter 41.04 RCW; adding a new section to chapter 43.01 RCW; adding a new section to chapter 43.03 RCW; creating new sections; providing an expiration date; and declaring an emergency.

Referred to Committee on Health & Long-Term Care.

E2SHB 2337 by House Committee on Ways & Means (originally sponsored by Representatives Carlyle, Orwall, Sullivan, Maxwell, Lytton, Zeiger, Reykdal, Pettigrew, Liias, Dammeier, Fitzgibbon, Pedersen, Hunt and Hudgins)

AN ACT Relating to open educational resources in K-12 education; adding a new section to chapter 28A.300 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Ways & Means.

THIRTY SEVENTH DAY, FEBRUARY 14, 2012

2012 REGULAR SESSION

HB 2346 by Representatives Walsh, Reykdal, Pearson, Hurst, Kristiansen, Nealey, McCune, Appleton, Orwall, Moscoso, Goodman, DeBolt, Rivers, Shea, Armstrong, Maxwell, Johnson, Springer, Darneille, Sells, Fitzgibbon, Eddy, Angel, Upthegrove, Kelley, Ryu, Stanford, Hudgins, Seaquist and Ormsby

AN ACT Relating to removing the requirement that correctional officers of the department of corrections purchase uniforms from correctional industries; reenacting and amending RCW 43.19.534 and 72.09.100; and creating a new section.

Referred to Committee on Ways & Means.

SHB 2395 by House Committee on Labor & Workforce Development (originally sponsored by Representatives Sells, Reykdal, Upthegrove, Ryu, Moscoso, Ormsby, Hasegawa, Fitzgibbon, Hudgins, Darneille, Cody, Kenney, Santos, Roberts, Green, Miloscia, Pettigrew, Dickerson, Moeller, Appleton, Lias, Jinkins, Dunshee, Van De Wege, Goodman, Orwall, Hunt, Wylie, Billig and Probst)

AN ACT Relating to drayage truck operators; adding a new section to chapter 49.12 RCW; adding a new section to chapter 49.17 RCW; adding a new section to chapter 49.46 RCW; adding a new section to chapter 49.48 RCW; adding a new section to chapter 49.60 RCW; adding a new section to chapter 50.04 RCW; and creating new sections.

Referred to Committee on Labor, Commerce & Consumer Protection.

SHB 2407 by House Committee on State Government & Tribal Affairs (originally sponsored by Representatives Roberts, Green, Ormsby, Reykdal, Moeller, Upthegrove and Maxwell)

AN ACT Relating to claims resolution structured settlement agreements; amending RCW 51.04.063; and reenacting and amending RCW 42.56.230.

Referred to Committee on Labor, Commerce & Consumer Protection.

SHB 2421 by House Committee on Judiciary (originally sponsored by Representatives Orwall, Rodne, Ladenburg, Upthegrove, Tharinger, Maxwell, Kelley, Kenney, Kagi, Moscoso and Jinkins)

AN ACT Relating to modifying the foreclosure fairness act; amending RCW 61.24.031, 61.24.160, 61.24.163, 61.24.169, 61.24.174, 61.24.030, 61.24.040, and 61.24.172; adding a new section to chapter 61.24 RCW; and declaring an emergency.

Referred to Committee on Financial Institutions, Housing & Insurance.

2SHB 2452 by House Committee on Ways & Means (originally sponsored by Representatives Wylie, Alexander, Kenney, Haigh, Hunt, Hudgins, Harris, McCoy, Ryu, Hasegawa, Springer, Billig, Maxwell, Upthegrove and Ormsby)

AN ACT Relating to centralizing the authority and responsibility for the development, process, and oversight of

state procurement of goods and services; amending RCW 43.19.005, 43.19.725, and 43.19.727; adding a new chapter to Title 39 RCW; recodifying RCW 43.19.1932, 43.19.530, 43.19.534, 43.19.535, 43.19.536, 43.19.538, 43.19.539, 43.19.700, 43.19.702, 43.19.704, 43.19.797, and 39.29.052; repealing RCW 39.29.003, 39.29.006, 39.29.008, 39.29.009, 39.29.011, 39.29.016, 39.29.018, 39.29.020, 39.29.025, 39.29.040, 39.29.050, 39.29.055, 39.29.065, 39.29.068, 39.29.075, 39.29.080, 39.29.090, 39.29.100, 39.29.110, 39.29.120, 39.29.130, 39.29.900, 43.19.180, 43.19.185, 43.19.190, 43.19.1901, 43.19.1905, 43.19.19052, 43.19.1906, 43.19.1908, 43.19.1911, 43.19.1913, 43.19.1914, 43.19.1915, 43.19.1937, 43.19.1939, and 43.19.200; and providing an effective date.

Referred to Committee on Government Operations, Tribal Relations & Elections.

HB 2474 by Representatives Springer, Van De Wege and Fitzgibbon

AN ACT Relating to adjusting voting requirements for the renewal of emergency medical service levies; and amending RCW 84.52.069.

Referred to Committee on Ways & Means.

SHB 2503 by House Committee on Higher Education (originally sponsored by Representatives Hansen, McCoy, Moscoso, Appleton, Kelley, Springer, Green, Van De Wege, Finn, Hudgins and Maxwell)

AN ACT Relating to early registration at institutions of higher education for eligible veterans and national guard members; adding a new section to chapter 28B.15 RCW; and providing an expiration date.

Referred to Committee on Higher Education & Workforce Development.

ESHB 2586 by House Committee on Ways & Means (originally sponsored by Representatives Kagi, Maxwell, Ladenburg, Dammeier, Kenney and Tharinger)

AN ACT Relating to phasing-in statewide implementation of the Washington kindergarten inventory of developing skills; amending RCW 28A.150.315; adding a new section to chapter 28A.655 RCW; and creating a new section.

Referred to Committee on Ways & Means.

SHB 2640 by House Committee on Community & Economic Development & Housing (originally sponsored by Representatives Smith, Kenney, Warnick, Finn, Walsh, Orcutt and Kelley)

AN ACT Relating to emphasizing cost-effectiveness in the housing trust fund; amending RCW 43.185A.050; and reenacting and amending RCW 43.185.070.

Referred to Committee on Financial Institutions, Housing & Insurance.

2SHB 2717 by House Committee on Education Appropriations & Oversight (originally sponsored by Representatives Seaquist and Pollet)

AN ACT Relating to creating innovations in higher education; and creating new sections.

Referred to Committee on Higher Education & Workforce Development.

SHB 2736 by House Committee on Transportation (originally sponsored by Representative Hansen)

AN ACT Relating to commercial vehicle regulations for texting while driving and flags on projecting loads; amending RCW 46.25.010, 46.61.668, and 46.37.140; and prescribing penalties.

Referred to Committee on Transportation.

ESHB 2747 by House Committee on Capital Budget (originally sponsored by Representative Hansen)

AN ACT Relating to modifying the use of funds in the fire service training account; and amending RCW 43.43.944.

Referred to Committee on Ways & Means.

#### PERSONAL PRIVILEGE

Senator Fain: "If the Lieutenant Governor gives you food, can you eat it on the floor?"

#### REPLY BY THE PRESIDENT

President Owen: "Senator Fain, you are a rookie here and so most of the members are aware that on Valentine's Day Linda, the previous day, works her tail off to provide you with those wonderful chocolate chip cookies that Senator Baumgartner is wolfing down right now and on this day and this day, only-unless there are Girl Scout cookies involved, you may eat the cookies on the floor."

#### PERSONAL PRIVILEGE

Senator Honeyford: "Well, thank you. I wanted to extend my thanks to your lovely wife for working in the kitchen over the hot stove and baking these cookies for us. Thank you very much. I do believe we need a constitutional amendment so that, whenever you leave this position, that that will be one of the duties of the Lieutenant Governor. Thank you."

#### REPLY BY THE PRESIDENT

President Owen: "Well, let's just make sure that I come back and we won't have to worry about it."

#### MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 6597 which was referred to the Committee on Ways & Means.

#### MOTION TO LIMIT DEBATE

Senator Eide: "Mr. President, I move that the members of the Senate be allowed to speak but once on each question before the Senate, that such speech be limited to three minutes and that members be prohibited from yielding their time, however, the maker of a motion shall be allowed to open and close debate. This motion shall be in effect through February 14, 2012."

The President declared the question before the Senate to be the motion by Senator Eide to limit debate.

The motion by Senator Eide carried and debate was limited through February 14, 2012 by voice vote.

#### MOTION

At 9:16 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced a delegation representing Ukraine including regional and city administrative leaders, Ms. Iryna Boyarynov, Mr. Oleksandr Dekhyarchuk, Ms. Natalia Skrypchenko and Mr. Roman Soltis and Deputy Head of the Executive Office; Ms. Oksana Huyda, legislative borough member and incoming Director of Social Services for parliament; and Mr. Bohdan Yarema of the US Peace Corps in the Ukraine who were present in the gallery. Participates in the Open World Program organized by Congress and administered by the Library of Congress, the delegation was hosted by the Interagency Committee of State Employed Women (ICSEW) and the Office of the Governor. The visit marks the first time Olympia has been selected by the Library of Congress as a host community in the thirteen year history of the Open World Program.

The Senate was called to order at 9:22 a.m. by President Owen.

#### MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

#### SECOND READING

SENATE BILL NO. 6180, by Senators Swecker, Nelson and Sheldon

Reducing costs and inefficiencies in elections.

#### MOTION

On motion of Senator Swecker, Substitute Senate Bill No. 6180 was substituted for Senate Bill No. 6180 and the substitute bill was placed on the second reading and read the second time.

#### MOTION

Senator Nelson moved that the following amendment by Senators Nelson and Swecker be adopted:

On page 7, line 35, after "argument;" insert "and"

On page 8, beginning on line 3, after "measure;" strike all material through "~~((4))~~" on line 5 and insert the following:

"~~((10)) The full text of the measure;~~  
~~((4))~~"

On page 10, line 5, after "(4)" strike all material through "by" and insert "~~((The text of each measure accompanied by))~~ For each ballot measure."

THIRTY SEVENTH DAY, FEBRUARY 14, 2012

2012 REGULAR SESSION

On page 15, after line 26, insert the following:

"**NEW SECTION. Sec. 20.** Sections 8 and 10 of this act take effect January 1, 2013."

Renumber the remaining section consecutively.

On page 15, line 27, after "**Sec. 20.**" strike "This" and insert "Except for sections 8 and 10 of this act, this"

On page 1, line 6, after "29A.52.011;" insert "providing an effective date;"

Senator Nelson spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Nelson and Swecker on page 7, line 35 to Substitute Senate Bill No. 6180.

The motion by Senator Nelson carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Delvin, Senators Carrell, Ericksen and Pflug were excused.

MOTION

On motion of Senator Swecker, the rules were suspended, Engrossed Substitute Senate Bill No. 6180 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Swecker and Pridemore spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6180.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6180 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Absent: Senator Ranker

Excused: Senator Carrell

ENGROSSED SUBSTITUTE SENATE BILL NO. 6180, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Harper, Senator Ranker was excused.

SECOND READING

SENATE BILL NO. 6445, by Senator Pridemore

Concerning the Interstate 5 Columbia river crossing project.

MOTION

On motion of Senator Pridemore, Substitute Senate Bill No. 6445 was substituted for Senate Bill No. 6445 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator King moved that the following amendment by Senator King and others be adopted:

On page 2, line 15, after "bridges." insert "Tolls may not be charged for travel on any portion of Interstate 205."

Senators King, Pridemore and Benton spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator King and others on page 2, line 15 to Substitute Senate Bill No. 6445.

The motion by Senator King carried and the amendment was adopted by voice vote.

MOTION

Senator Benton moved that the following amendment by Senator Benton and others be adopted:

On page 2, after line 16, insert the following:

"(3) Tolls may not be imposed on the Columbia river crossing project as authorized under subsection (2) of this section without the approval of a majority of the voters in Clark county voting on a proposition at a general or special election. The proposition must include a specific description of the project and the proposed range of tolls being considered by the tolling authority to raise revenue to fund the Columbia river crossing project."

Senator Benton spoke in favor of adoption of the amendment.

Senator Pridemore spoke against adoption of the amendment.

WITHDRAWAL OF AMENDMENT

On motion of Senator Benton, the amendment by Senator Benton and others on page 2, line 16 to Substitute Senate Bill No. 6445 was withdrawn.

MOTION

Senator Honeyford moved that the following amendment by Senator Honeyford and Benton be adopted:

On page 2, after line 16, insert the following:

"(3) Tolls may not be imposed on the Columbia river crossing project as authorized under subsection (2) of this section without the approval, on a proposition at a general or special election, of a majority of the voters within two of the three following counties: Clark, Skamania, and Cowlitz. The proposition must include a specific description of the project and the proposed range of tolls being considered by the tolling authority to raise revenue to fund the Columbia river crossing project."

Senator Honeyford spoke in favor of adoption of the amendment.

WITHDRAWAL OF AMENDMENT

On motion of Senator Honeyford, the amendment by Senator Honeyford and Benton on page 2, line 16 to Substitute Senate Bill No. 6445 was withdrawn.

MOTION

Senator Benton moved that the following amendment by Senator Benton, King and Zarelli be adopted:

On page 2, line 16, after "RCW 47.56.820." insert "The total cost of the Columbia river crossing project may not exceed three billion four hundred thirteen million dollars. The Washington state contribution to the project may not exceed thirty-three percent of the total cost of the project. When setting the toll rates for the Columbia river crossing project, the tolling authority may not set the rates at a level that would cause the total amount of revenue generated by the tolls to exceed one-half of the total state contribution to the project."

Senator Benton spoke in favor of adoption of the amendment.

#### WITHDRAWAL OF AMENDMENT

On motion of Senator Benton, the amendment by Senators Benton, King and Zarelli on page 2, line 16 to Substitute Senate Bill No. 6445 was withdrawn.

#### MOTION

Senator Benton moved that the following amendment by Senators Zarelli and Haugen be adopted:

On page 2, line 16, after "RCW 47.56.820.", insert:

"The total cost of the Columbia river crossing project may not exceed three billion four hundred thirteen million dollars."

Senators Benton and Pridemore spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Zarelli and Haugen page 2, line 16 to Substitute Senate Bill No. 6445.

The motion by Senator Benton carried and the amendment was adopted by voice vote.

#### MOTION

Senator Benton moved that the following amendment by Senator Benton be adopted:

On page 7, after line 27, insert the following:

"NEW SECTION. Sec. 7. A new section is added to chapter 47.56 RCW under the subchapter heading "toll facilities created after July 1,

2008" to read as follows:

(1) The Columbia river crossing project citizen advisory committee is hereby created. The governor shall appoint nine members to the committee. The advisory committee members must be current Washington residents and shall be appointed proportionately, to the extent practicable, from those areas from which the majority of the trips originate on the bridge according to the latest traffic analysis by the department. Appointees must also be able to demonstrate that they are or will be toll-paying commuters on regular basis.

(2) The Columbia river crossing project citizen advisory committee shall serve in an advisory capacity to the tolling authority, or toll rate setting entity that may be created under an agreement pursuant to section 4 of this act, on all matters related to the imposition of tolls including, but not limited to: (a) the feasibility of providing discounts to frequent users, electronic transponder users, senior citizens, or students; (b) the tradeoff of lower tolls versus the early retirement of debt; and (c) a consideration of variable, or time of day pricing.

(3) No toll charge may be imposed or modified unless the citizen advisory committee has been given at least twenty days to review and comment on any proposed toll charge schedule. In setting toll rates, the tolling authority, or toll rate setting entity that

may be created under an agreement pursuant to section 4 of this act, shall give consideration to any recommendations of the citizen advisory committee."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 1, line ... of the title, after "...", insert "..."

Senator Benton spoke in favor of adoption of the amendment.

#### WITHDRAWAL OF AMENDMENT

On motion of Senator Benton, the amendment by Senator Benton on page 7, line 27 to Substitute Senate Bill No. 6445 was withdrawn.

#### MOTION

Senator Benton moved that the following amendment by Senator Benton be adopted:

On page 7, line 32, after "has" insert "(a) signed a full funding grant agreement with the federal transit administration for the project, and (b)"

Senator Benton spoke in favor of adoption of the amendment.

#### WITHDRAWAL OF AMENDMENT

On motion of Senator Benton, the amendment by Senator Benton on page 7, line 32 to Substitute Senate Bill No. 6445 was withdrawn.

#### MOTION

On motion of Senator Pridemore, the rules were suspended, Engrossed Substitute Senate Bill No. 6445 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Pridemore spoke in favor of passage of the bill.

Senator Benton spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6445.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6445 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 15; Absent, 0; Excused, 1.

Voting yea: Senators Brown, Chase, Conway, Eide, Erickson, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hobbs, Kastama, Keiser, Kilmer, Kline, Kohl-Welles, Litzow, McAuliffe, Murray, Nelson, Pflug, Prentice, Pridemore, Ranker, Regala, Rolfes, Sheldon, Shin, Swecker and Tom

Voting nay: Senators Baumgartner, Becker, Benton, Delvin, Hill, Holmquist Newbry, Honeyford, King, Morton, Padden, Parlette, Roach, Schoesler, Stevens and Zarelli

Excused: Senator Carrell

ENGROSSED SUBSTITUTE SENATE BILL NO. 6445, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6135, by Senators Hargrove, Swecker, Rolfes, Delvin, Regala, Ranker, Shin and Fraser

THIRTY SEVENTH DAY, FEBRUARY 14, 2012

2012 REGULAR SESSION

Regarding enforcement of fish and wildlife violations.

ROLL CALL

## MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 6135 was substituted for Senate Bill No. 6135 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Substitute Senate Bill No. 6135 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hargrove and Morton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6135.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6135 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Chase, Conway, Delvin, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Ericksen and Holmquist Newbry

Excused: Senator Carrell

SUBSTITUTE SENATE BILL NO. 6135, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Harper, Senators Brown and Hobbs were excused.

## SECOND READING

SENATE BILL NO. 6075, by Senators Carrell and Harper

Removing the notice requirement when an attorney or private investigator requests vehicle owner information. Revised for 1st Substitute: Addressing the disclosure of vehicle owner information.

## MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 6075 was substituted for Senate Bill No. 6075 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator King, the rules were suspended, Substitute Senate Bill No. 6075 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators King and Haugen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6075.

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6075 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 5; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Rolfes, Schoesler, Sheldon, Shin, Swecker, Tom and Zarelli

Voting nay: Senators Baumgartner, Holmquist Newbry, Honeyford, Roach and Stevens

Excused: Senators Brown and Carrell

SUBSTITUTE SENATE BILL NO. 6075, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6403, by Senator Regala

Removing financial barriers to persons seeking vulnerable adult protection orders.

## MOTIONS

On motion of Senator Regala, Substitute Senate Bill No. 6403 was substituted for Senate Bill No. 6403 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Regala, the rules were suspended, Substitute Senate Bill No. 6403 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Regala spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6403.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6403 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Baumgartner, Becker, Benton, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Brown and Carrell

SUBSTITUTE SENATE BILL NO. 6403, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6328, by Senators Conway, Hargrove, Regala, Harper, Stevens and McAuliffe

Creating a retired active license for mental health professionals. Revised for 1st Substitute: Authorizing creation of a retired active license for mental health professionals.

#### MOTIONS

On motion of Senator Conway, Substitute Senate Bill No. 6328 was substituted for Senate Bill No. 6328 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Conway, the rules were suspended, Substitute Senate Bill No. 6328 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Conway spoke in favor of passage of the bill.

#### MOTION

On motion of Senator Delvin, Senator Padden was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6328.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6328 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Senators Baumgartner, Becker, Benton, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senator Holmquist Newbry

Excused: Senators Brown, Carrell and Padden

SUBSTITUTE SENATE BILL NO. 6328, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6414, by Senator Ranker

Authorizing advisory opinions regarding whether an electric generation project or conservation resource qualifies to meet a target under RCW 19.285.040. Revised for 1st Substitute: Creating a review process to determine whether a proposed electric generation project or conservation resource qualifies to meet a target under RCW 19.285.040.

#### MOTIONS

On motion of Senator Ranker, Substitute Senate Bill No. 6414 was substituted for Senate Bill No. 6414 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Ranker, the rules were suspended, Substitute Senate Bill No. 6414 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Ranker, Delvin, Parlette and Sheldon spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6414.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6414 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Carrell and Padden

SUBSTITUTE SENATE BILL NO. 6414, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Eide, the Senate advanced to the seventh order of business.

#### THIRD READING

SUBSTITUTE SENATE BILL NO. 5154, by Senate Committee on Judiciary (originally sponsored by Senators Harper, Kline, Pflug, Hobbs, Ericksen, Rockefeller, Nelson and Roach).

Modifying vehicle prowling provisions.

The bill was read on Third Reading.

#### MOTION

On motion of Senator Eide, the rules were suspended and Substitute Senate Bill No. 5154 was returned to second reading for the purpose of amendment.

#### SECOND READING

SUBSTITUTE SENATE BILL NO. 5154, by Senate Committee on Judiciary (originally sponsored by Senators Harper, Kline, Pflug, Hobbs, Ericksen, Rockefeller, Nelson and Roach)

Modifying vehicle prowling provisions.

The measure was read the second time.

#### MOTION

Senator Harper moved that the following striking amendment by Senator Kline be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 9A.52.100 and 2011 c 336 s 376 are each amended to read as follows:

(1) A person is guilty of vehicle prowling in the second degree if, with intent to commit a crime against a person or property therein, he or she enters or remains unlawfully in a vehicle other than a motor home, as defined in RCW 46.04.305, or a vessel equipped for propulsion by mechanical means or by sail which has a cabin

THIRTY SEVENTH DAY, FEBRUARY 14, 2012

2012 REGULAR SESSION

equipped with permanently installed sleeping quarters or cooking facilities.

(2) Except as provided in subsection (3) of this section, vehicle prowling in the second degree is a gross misdemeanor.

(3) Vehicle prowling in the second degree is a class C felony upon a third or subsequent conviction of vehicle prowling in the second degree.

**Sec. 2.** RCW 9.94A.515 and 2010 c 289 s 11 and 2010 c 227 s 9 are each reenacted and amended to read as follows:

TABLE 2

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

- XVI Aggravated Murder 1 (RCW 10.95.020)
- XV Homicide by abuse (RCW 9A.32.055)
- Malicious explosion 1 (RCW 70.74.280(1))
- Murder 1 (RCW 9A.32.030)
- XIV Murder 2 (RCW 9A.32.050)
- Trafficking 1 (RCW 9A.40.100(1))
- XIII Malicious explosion 2 (RCW 70.74.280(2))
- Malicious placement of an explosive 1 (RCW 70.74.270(1))
- XII Assault 1 (RCW 9A.36.011)
- Assault of a Child 1 (RCW 9A.36.120)
- Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a))
- Promoting Commercial Sexual Abuse of a Minor (RCW 9.68A.101)
- Rape 1 (RCW 9A.44.040)
- Rape of a Child 1 (RCW 9A.44.073)
- Trafficking 2 (RCW 9A.40.100(2))
- XI Manslaughter 1 (RCW 9A.32.060)
- Rape 2 (RCW 9A.44.050)
- Rape of a Child 2 (RCW 9A.44.076)
- X Child Molestation 1 (RCW 9A.44.083)
- Criminal Mistreatment 1 (RCW 9A.42.020)
- Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))
- Kidnapping 1 (RCW 9A.40.020)
- Leading Organized Crime (RCW 9A.82.060(1)(a))
- Malicious explosion 3 (RCW 70.74.280(3))
- Sexually Violent Predator Escape (RCW 9A.76.115)

- IX Abandonment of Dependent Person 1 (RCW 9A.42.060)
- Assault of a Child 2 (RCW 9A.36.130)
- Explosive devices prohibited (RCW 70.74.180)
- Hit and Run--Death (RCW 46.52.020(4)(a))
- Homicide by Watercraft, by being under the influence of intoxicating liquor or any drug (RCW 79A.60.050)
- Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))
- Malicious placement of an explosive 2 (RCW 70.74.270(2))
- Robbery 1 (RCW 9A.56.200)
- Sexual Exploitation (RCW 9.68A.040)
- Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520)
- VIII Arson 1 (RCW 9A.48.020)
- Commercial Sexual Abuse of a Minor (RCW 9.68A.100)
- Homicide by Watercraft, by the operation of any vessel in a reckless manner (RCW 79A.60.050)
- Manslaughter 2 (RCW 9A.32.070)
- Promoting Prostitution 1 (RCW 9A.88.070)
- Theft of Ammonia (RCW 69.55.010)
- Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520)
- VII Burglary 1 (RCW 9A.52.020)
- Child Molestation 2 (RCW 9A.44.086)
- Civil Disorder Training (RCW 9A.48.120)
- Dealing in depictions of minor engaged in sexually explicit conduct 1 (RCW 9.68A.050(1))
- Drive-by Shooting (RCW 9A.36.045)
- Homicide by Watercraft, by disregard for the safety of others (RCW 79A.60.050)
- Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1)(b) and (c))
- Introducing Contraband 1 (RCW 9A.76.140)
- Malicious placement of an explosive 3 (RCW 70.74.270(3))
- Negligently Causing Death By Use of a Signal Preemption Device (RCW 46.37.675)
- Sending, bringing into state depictions

- of minor engaged in sexually explicit conduct 1 (RCW 9.68A.060(1))
- Unlawful Possession of a Firearm in the first degree (RCW 9.41.040(1))
- Use of a Machine Gun in Commission of a Felony (RCW 9.41.225)
- Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)
- VI Bail Jumping with Murder 1 (RCW 9A.76.170(3)(a))
- Bribery (RCW 9A.68.010)
- Incest 1 (RCW 9A.64.020(1))
- Intimidating a Judge (RCW 9A.72.160)
- Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)
- Malicious placement of an imitation device 2 (RCW 70.74.272(1)(b))
- Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct 1 (RCW 9.68A.070(1))
- Rape of a Child 3 (RCW 9A.44.079)
- Theft of a Firearm (RCW 9A.56.300)
- Unlawful Storage of Ammonia (RCW 69.55.020)
- V Abandonment of Dependent Person 2 (RCW 9A.42.070)
- Advancing money or property for extortionate extension of credit (RCW 9A.82.030)
- Bail Jumping with class A Felony (RCW 9A.76.170(3)(b))
- Child Molestation 3 (RCW 9A.44.089)
- Criminal Mistreatment 2 (RCW 9A.42.030)
- Custodial Sexual Misconduct 1 (RCW 9A.44.160)
- Dealing in Depictions of Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.050(2))
- Domestic Violence Court Order Violation (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.50.110, 26.52.070, or 74.34.145)
- Driving While Under the Influence (RCW 46.61.502(6))
- Extortion 1 (RCW 9A.56.120)
- Extortionate Extension of Credit (RCW 9A.82.020)
- Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)
- Incest 2 (RCW 9A.64.020(2))
- Kidnapping 2 (RCW 9A.40.030)
- Perjury 1 (RCW 9A.72.020)
- Persistent prison misbehavior (RCW 9.94.070)
- Physical Control of a Vehicle While Under the Influence (RCW 46.61.504(6))
- Possession of a Stolen Firearm (RCW 9A.56.310)
- Rape 3 (RCW 9A.44.060)
- Rendering Criminal Assistance 1 (RCW 9A.76.070)
- Sending, Bringing into State Depictions of Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.060(2))
- Sexual Misconduct with a Minor 1 (RCW 9A.44.093)
- Sexually Violating Human Remains (RCW 9A.44.105)
- Stalking (RCW 9A.46.110)
- Taking Motor Vehicle Without Permission 1 (RCW 9A.56.070)
- Vehicle Prowling 2 (third or subsequent offense) (RCW 9A.52.100(3))
- IV Arson 2 (RCW 9A.48.030)
- Assault 2 (RCW 9A.36.021)
- Assault 3 (of a Peace Officer with a Projectile Stun Gun) (RCW 9A.36.031(1)(h))
- Assault by Watercraft (RCW 79A.60.060)
- Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)
- Cheating 1 (RCW 9.46.1961)
- Commercial Bribery (RCW 9A.68.060)
- Counterfeiting (RCW 9.16.035(4))
- Endangerment with a Controlled Substance (RCW 9A.42.100)
- Escape 1 (RCW 9A.76.110)
- Hit and Run--Injury (RCW 46.52.020(4)(b))
- Hit and Run with Vessel--Injury Accident (RCW 79A.60.200(3))
- Identity Theft 1 (RCW 9.35.020(2))
- Indecent Exposure to Person Under Age Fourteen (subsequent sex offense) (RCW 9A.88.010)
- Influencing Outcome of Sporting Event (RCW 9A.82.070)
- Malicious Harassment (RCW 9A.36.080)
- Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68(~~1~~)(3))

THIRTY SEVENTH DAY, FEBRUARY 14, 2012

2012 REGULAR SESSION

- A.070(2))
- Residential Burglary (RCW 9A.52.025)
- Robbery 2 (RCW 9A.56.210)
- Theft of Livestock 1 (RCW 9A.56.080)
- Threats to Bomb (RCW 9.61.160)
- Trafficking in Stolen Property 1 (RCW 9A.82.050)
- Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(b))
- Unlawful transaction of health coverage as a health care service contractor (RCW 48.44.016(3))
- Unlawful transaction of health coverage as a health maintenance organization (RCW 48.46.033(3))
- Unlawful transaction of insurance business (RCW 48.15.023(3))
- Unlicensed practice as an insurance professional (RCW 48.17.063(2))
- Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))
- Vehicular Assault, by being under the influence of intoxicating liquor or any drug, or by the operation or driving of a vehicle in a reckless manner (RCW 46.61.522)
- Viewing of Depictions of a Minor Engaged in Sexually Explicit Conduct 1 (RCW 9.68A.075(1))
- Willful Failure to Return from Furlough (RCW 72.66.060)
- III Animal Cruelty 1 (Sexual Conduct or Contact) (RCW 16.52.205(3))
- Assault 3 (Except Assault 3 of a Peace Officer With a Projectile Stun Gun) (RCW 9A.36.031 except subsection (1)(h))
- Assault of a Child 3 (RCW 9A.36.140)
- Bail Jumping with class B or C Felony (RCW 9A.76.170(3)(c))
- Burglary 2 (RCW 9A.52.030)
- Communication with a Minor for Immoral Purposes (RCW 9.68A.090)
- Criminal Gang Intimidation (RCW 9A.46.120)
- Custodial Assault (RCW 9A.36.100)
- Cyberstalking (subsequent conviction or threat of death) (RCW 9.61.260(3))
- Escape 2 (RCW 9A.76.120)
- Extortion 2 (RCW 9A.56.130)
- Harassment (RCW 9A.46.020)
- Intimidating a Public Servant (RCW 9A.76.180)
- Introducing Contraband 2 (RCW 9A.76.150)
- Malicious Injury to Railroad Property (RCW 81.60.070)
- Mortgage Fraud (RCW 19.144.080)
- Negligently Causing Substantial Bodily Harm By Use of a Signal Preemption Device (RCW 46.37.674)
- Organized Retail Theft 1 (RCW 9A.56.350(2))
- Perjury 2 (RCW 9A.72.030)
- Possession of Incendiary Device (RCW 9.40.120)
- Possession of Machine Gun or Short-Barreled Shotgun or Rifle (RCW 9.41.190)
- Promoting Prostitution 2 (RCW 9A.88.080)
- Retail Theft with Extenuating Circumstances 1 (RCW 9A.56.360(2))
- Securities Act violation (RCW 21.20.400)
- Tampering with a Witness (RCW 9A.72.120)
- Telephone Harassment (subsequent conviction or threat of death) (RCW 9.61.230(2))
- Theft of Livestock 2 (RCW 9A.56.083)
- Theft with the Intent to Resell 1 (RCW 9A.56.340(2))
- Trafficking in Stolen Property 2 (RCW 9A.82.055)
- Unlawful Imprisonment (RCW 9A.40.040)
- Unlawful possession of firearm in the second degree (RCW 9.41.040(2))
- Vehicular Assault, by the operation or driving of a vehicle with disregard for the safety of others (RCW 46.61.522)
- Willful Failure to Return from Work Release (RCW 72.65.070)
- II Computer Trespass 1 (RCW 9A.52.110)
- Counterfeiting (RCW 9.16.035(3))
- Escape from Community Custody (RCW 72.09.310)
- Failure to Register as a Sex Offender (second or subsequent offense) (RCW 9A.44.130(1)(a))
- Health Care False Claims (RCW 48.80.030)
- Identity Theft 2 (RCW 9.35.020(3))
- Improperly Obtaining Financial Information (RCW 9.35.010)

Malicious Mischief 1 (RCW 9A.48.070)  
 Organized Retail Theft 2 (RCW 9A.56.350(3))  
 Possession of Stolen Property 1 (RCW 9A.56.150)  
 Possession of a Stolen Vehicle (RCW 9A.56.068)  
 Retail Theft with Extenuating Circumstances 2 (RCW 9A.56.360(3))  
 Theft 1 (RCW 9A.56.030)  
  
 Theft of a Motor Vehicle (RCW 9A.56.065)  
 Theft of Rental, Leased, or Lease-purchased Property (valued at one thousand five hundred dollars or more) (RCW 9A.56.096(5)(a))  
 Theft with the Intent to Resell 2 (RCW 9A.56.340(3))  
 Trafficking in Insurance Claims (RCW 48.30A.015)  
 Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(a))  
 Unlawful Practice of Law (RCW 2.48.180)  
 Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))  
 Voyeurism (RCW 9A.44.115)

I Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)  
 False Verification for Welfare (RCW 74.08.055)  
 Forgery (RCW 9A.60.020)  
  
 Fraudulent Creation or Revocation of a Mental Health Advance Directive (RCW 9A.60.060)  
 Malicious Mischief 2 (RCW 9A.48.080)  
 Mineral Trespass (RCW 78.44.330)  
  
 Possession of Stolen Property 2 (RCW 9A.56.160)  
 Reckless Burning 1 (RCW 9A.48.040)  
  
 Taking Motor Vehicle Without Permission 2 (RCW 9A.56.075)  
 Theft 2 (RCW 9A.56.040)  
  
 Theft of Rental, Leased, or Lease-purchased Property (valued at two hundred fifty dollars or more but less than one thousand five hundred dollars) (RCW 9A.56.096(5)(b))  
 Transaction of insurance business beyond the scope of licensure (RCW 48.17.063)  
 Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)  
 Unlawful Possession of Fictitious Identification (RCW 9A.56.320)

Unlawful Possession of Instruments of Financial Fraud (RCW 9A.56.320)  
 Unlawful Possession of Payment Instruments (RCW 9A.56.320)  
 Unlawful Possession of a Personal Identification Device (RCW 9A.56.320)  
 Unlawful Production of Payment Instruments (RCW 9A.56.320)  
 Unlawful Trafficking in Food Stamps (RCW 9.91.142)  
 Unlawful Use of Food Stamps (RCW 9.91.144)  
 Vehicle Prowling 1 (RCW 9A.52.095)"

Senator Harper spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Kline to Substitute Senate Bill No. 5154.

The motion by Senator Harper carried and the striking amendment was adopted by voice vote.

#### MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "prowling;" strike the remainder of the title and insert "amending RCW 9A.52.100; reenacting and amending RCW 9.94A.515; and prescribing penalties."

#### MOTION

On motion of Senator Harper, the rules were suspended, Engrossed Substitute Senate Bill No. 5154 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Harper and Padden spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5154.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5154 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Carrell

ENGROSSED SUBSTITUTE SENATE BILL NO. 5154, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

THIRTY SEVENTH DAY, FEBRUARY 14, 2012

2012 REGULAR SESSION

On motion of Senator Eide, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 6440, by Senators Parlette, Keiser and Becker

Providing health care purchasing options for individuals and small employers.

The measure was read the second time.

MOTION

On motion of Senator Parlette, the rules were suspended, Senate Bill No. 6440 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Parlette and Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6440.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6440 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 7; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Brown, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Padden, Parlette, Pflug, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Tom and Zarelli

Voting nay: Senators Benton, Chase, Kline, Nelson, Prentice, Stevens and Swecker

Excused: Senator Carrell

SENATE BILL NO. 6440, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

Earlier today, given the large volume of bills being run on the floor, I inadvertently voted 'No' on Senate Bill No. 6440 which would allow the state to explore options for selling insurance across state lines. I intended to vote 'Yes' and would like the journal to reflect my intent.

SENATOR STEVENS, 39TH LEGISLATIVE DISTRICT

STATEMENT FOR THE JOURNAL

It was my intention to vote in favor of Senate Bill No. 6440. However, there was significant confusion at the moment of the roll call and when the situation is not clear, I default to a 'no' position. I regret this and if we had more time to sort out the confusion I would have cast a 'yes' vote on the bill.

SENATOR BENTON, 17TH LEGISLATIVE DISTRICT

SECOND READING

SENATE BILL NO. 5981, by Senators Schoesler, Hatfield and Honeyford

Changing seed dealer license fees.

The measure was read the second time.

MOTION

On motion of Senator Schoesler, the rules were suspended, Senate Bill No. 5981 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Schoesler spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5981.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5981 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 7; Absent, 1; Excused, 1.

Voting yea: Senators Becker, Brown, Chase, Conway, Delvin, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Parlette, Prentice, Pridemore, Ranker, Regala, Rolfes, Schoesler, Sheldon, Shin, Swecker, Tom and Zarelli

Voting nay: Senators Baumgartner, Benton, Ericksen, Holmquist Newbry, Padden, Roach and Stevens

Absent: Senator Pflug

Excused: Senator Carrell

SENATE BILL NO. 5981, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6208, by Senators Schoesler and Hatfield

Regarding license fees under the warehouse act.

MOTIONS

On motion of Senator Schoesler, Substitute Senate Bill No. 6208 was substituted for Senate Bill No. 6208 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Schoesler, the rules were suspended, Substitute Senate Bill No. 6208 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Schoesler spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6208.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6208 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 10; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Brown, Chase, Conway, Delvin, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield,

Haugen, Hewitt, Hill, Hobbs, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Murray, Nelson, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Rolfes, Schoesler, Shin, Swecker and Tom

Voting nay: Senators Baumgartner, Benton, Ericksen, Holmquist Newbry, Morton, Padden, Roach, Sheldon, Stevens and Zarelli

Excused: Senator Carrell

SUBSTITUTE SENATE BILL NO. 6208, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Ericksen, Senator Zarelli was excused.

#### SECOND READING

SENATE BILL NO. 6574, by Senators Kohl-Welles, Frockt and Kline

Authorizing certain cities in which stadium and exhibition centers are located to impose admissions taxes in limited circumstances.

#### MOTIONS

On motion of Senator Kohl-Welles, Substitute Senate Bill No. 6574 was substituted for Senate Bill No. 6574 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kohl-Welles, the rules were suspended, Substitute Senate Bill No. 6574 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kohl-Welles spoke in favor of passage of the bill.

#### POINT OF INQUIRY

Senator Benton: "Will the gentle lady from the Thirty-Sixth yield to a friendly question? I just want to know is there any kind of a sunset clause? Does this end at some point, when the Huskies go back to their own stadium? Does this law go away?"

Senator Kohl-Welles: "Yes, it does. It's only for the 2012 football season."

#### MOTION

On motion of Senator Harper, Senator Prentice was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6574.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6574 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 11; Absent, 0; Excused, 2.

Voting yea: Senators Brown, Chase, Conway, Delvin, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hobbs, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Murray, Nelson, Padden, Parlette, Prentice, Pridemore, Ranker, Regala, Rolfes, Schoesler, Sheldon, Shin, Swecker and Tom

Voting nay: Senators Baumgartner, Becker, Benton, Ericksen, Hill, Holmquist Newbry, Honeyford, Morton, Pflug, Roach and Stevens

Excused: Senators Carrell and Zarelli

SUBSTITUTE SENATE BILL NO. 6574, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### STATEMENT FOR THE JOURNAL

I inadvertently voted 'Yes' on Senate Bill No. 6574. I had intended to vote 'No' as I did in committee.

SENATOR PADDEN, 4<sup>TH</sup> LEGISLATIVE DISTRICT

#### SECOND READING

SENATE BILL NO. 6005, by Senators Carrell, Delvin, Fain, Sheldon, Hill and Benton

Exempting certain vehicles from the written estimate requirement for auto repair facilities.

#### MOTIONS

On motion of Senator Delvin, Substitute Senate Bill No. 6005 was substituted for Senate Bill No. 6005 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Delvin, the rules were suspended, Substitute Senate Bill No. 6005 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Delvin and Kohl-Welles spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6005.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6005 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker and Tom

Excused: Senators Carrell and Zarelli

SUBSTITUTE SENATE BILL NO. 6005, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Eide, the Senate advanced to the seventh order of business.

#### THIRD READING

THIRTY SEVENTH DAY, FEBRUARY 14, 2012

2012 REGULAR SESSION

SECOND SUBSTITUTE SENATE BILL NO. 5539, by Senate Committee on Ways & Means (originally sponsored by Senators Kohl-Welles, Prentice, White, Kilmer, Brown and McAuliffe).

original application. The difference between the actual amount and the authorized amount is then put back in the funds available to provide incentives to other film makers to come to our state.”

Concerning Washington's motion picture competitiveness.

Senators Holmquist Newbry, Chase, Sheldon and Benton spoke in favor of passage of the bill

The bill was read on Third Reading.

Senators Tom, Kastama and Honeyford spoke against passage of the bill.

#### MOTION

#### MOTION

On motion of Senator Eide, the rules were suspended and Second Substitute Senate Bill No. 5539 was returned to second reading for the purpose of amendment.

On motion of Senator Ericksen, Senator Baumgartner was excused.

#### SECOND READING

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5539.

SECOND SUBSTITUTE SENATE BILL NO. 5539, by Senate Committee on Ways & Means (originally sponsored by Senators Kohl-Welles, Prentice, White, Kilmer, Brown and McAuliffe)

#### ROLL CALL

Concerning Washington's motion picture competitiveness.

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5539 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 8; Absent, 0; Excused, 1.

The measure was read the second time.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hobbs, Holmquist Newbry, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Prentice, Pridemore, Ranker, Roach, Rolfes, Sheldon, Shin, Stevens, Swecker and Zarelli

#### MOTION

Senator Kohl-Welles moved that the following amendment by Senators Kohl-Welles and Holmquist Newbry be adopted:

Voting nay: Senators Hill, Honeyford, Kastama, Parlette, Pflug, Regala, Schoesler and Tom

On page 8, line 34, after "1," strike "2011" and insert "2012"

Senator Kohl-Welles spoke in favor of adoption of the amendment.

Excused: Senator Carrell

The President declared the question before the Senate to be the adoption of the amendment by Senators Kohl-Welles and Holmquist Newbry on page 8, line 34 to Second Substitute Senate Bill No. 5539.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5539, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The motion by Senator Kohl-Welles carried and the amendment was adopted by voice vote.

#### MOTION

#### MOTION

On motion of Senator Eide, the Senate reverted to the sixth order of business.

On motion of Senator Kohl-Welles, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5539 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### SECOND READING

Senator Kohl-Welles spoke in favor of passage of the bill.

SENATE BILL NO. 6492, by Senators Hargrove, Stevens and Regala

#### POINT OF INQUIRY

Improving timeliness, efficiency, and accountability of forensic resource utilization associated with competency to stand trial.

Senator Holmquist Newbry: “Would the good lady from the Thirty-Sixth yield to a question? How do we know that a film maker has spent funds in Washington and created jobs for Washington residents?”

#### MOTIONS

Senator Kohl-Welles: “Once a film is completed the film maker has to submit detailed extensive documentation to Washington Film works Board and this includes documents showing that workers are in fact Washington residents. It also has to include receipts from purchases of goods and services within our state. These documents are thoroughly reviewed by an accountant to determine that all the expenses claimed toward the incentive are indeed allowable. A film maker will receive the incentive only on the allowable expenses as determined by the accountant. Often this is less money than authorized from the

On motion of Senator Hargrove, Substitute Senate Bill No. 6492 was substituted for Senate Bill No. 6492 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Substitute Senate Bill No. 6492 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hargrove and Padden spoke in favor of passage of the bill.

## MOTION

On motion of Senator Harper, Senator Prentice was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6492.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6492 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Carrell and Prentice

SUBSTITUTE SENATE BILL NO. 6492, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6123, by Senators Hatfield, Sheldon, Swecker, Hargrove, Carrell, Conway, Becker, King, Benton, Delvin, Fain, Ericksen, Ranker, Honeyford, Schoesler, Pridemore, Roach, Stevens and Chase

Creating "National Rifle Association" special license plates.

## MOTIONS

On motion of Senator Hatfield, Substitute Senate Bill No. 6123 was substituted for Senate Bill No. 6123 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hatfield, the rules were suspended, Substitute Senate Bill No. 6123 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hatfield, King, Roach, Ericksen, Benton, Prentice, Becker and Chase spoke in favor of passage of the bill.

Senator Kline spoke against passage of the bill.

## MOTION

On motion of Senator Kilmer, Senator Prentice was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6123.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6123 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 13; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Carrell, Conway, Delvin, Eide, Ericksen, Fain, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Honeyford, Kastama, Kilmer, King, Kohl-Welles, Litzow, Morton, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Roach, Schoesler, Sheldon, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Brown, Chase, Fraser, Frockt, Holmquist Newbry, Keiser, Kline, McAuliffe, Murray, Nelson, Regala, Rolfes and Shin

SUBSTITUTE SENATE BILL NO. 6123, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5990, by Senators Haugen, King and Eide

Creating state flower special license plates.

## MOTION

On motion of Senator Haugen, Substitute Senate Bill No. 5990 was substituted for Senate Bill No. 5990 and the substitute bill was placed on the second reading and read the second time.

## MOTION

Senator Haugen moved that the following amendment by Senators Haugen and Keiser be adopted:

On page 6, line 27, after "other" strike "organizations' efforts to preserve native plants" and insert "qualified nonprofit organizations' efforts to preserve rhododendrons"

Senator Haugen spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Haugen and Keiser on page 6, line 27 to Substitute Senate Bill No. 5990.

The motion by Senator Haugen carried and the amendment was adopted by voice vote.

## MOTION

On motion of Senator Haugen, the rules were suspended, Engrossed Substitute Senate Bill No. 5990 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Haugen and King spoke in favor of passage of the bill.

## MOTION

On motion of Senator Harper, Senator Brown was excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5990.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5990 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 8; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Carrell, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, Morton, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Roach, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Chase, Holmquist Newbry, McAuliffe, Murray, Ranker, Regala, Rolfes and Schoesler

THIRTY SEVENTH DAY, FEBRUARY 14, 2012

2012 REGULAR SESSION

Excused: Senator Brown

ENGROSSED SUBSTITUTE SENATE BILL NO. 5990, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5766, by Senators Roach and Pridemore

Addressing fire protection district commissioners.

## MOTIONS

On motion of Senator Roach, Substitute Senate Bill No. 5766 was substituted for Senate Bill No. 5766 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Roach, the rules were suspended, Substitute Senate Bill No. 5766 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Roach spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5766.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5766 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Absent: Senator Hewitt

Excused: Senator Brown

SUBSTITUTE SENATE BILL NO. 5766, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6365, by Senators Hatfield, Swecker, Prentice, Holmquist Newbry, Pridemore, Haugen, Hobbs, Parlette and Shin

Waiving and clarifying certain requirements for port district small public works projects.

## MOTIONS

On motion of Senator Hatfield, Substitute Senate Bill No. 6365 was substituted for Senate Bill No. 6365 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hatfield, the rules were suspended, Substitute Senate Bill No. 6365 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hatfield spoke in favor of passage of the bill.

## MOTION

On motion of Senator Ericksen, Senator Hewitt was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6365.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6365 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Senators Baumgartner, Becker, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Benton and Padden

Excused: Senators Brown and Hewitt

SUBSTITUTE SENATE BILL NO. 6365, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6477, by Senators Conway, Holmquist Newbry and Kohl-Welles

Concerning spirits sampling in former contract liquor stores.

## MOTION

On motion of Senator Kohl-Welles, Substitute Senate Bill No. 6477 was substituted for Senate Bill No. 6477 and the substitute bill was placed on the second reading and read the second time.

## MOTION

Senator Kohl-Welles moved that the following striking amendment by Senator Kohl-Welles and others be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 66.12.240 and 2009 c 361 s 1 are each amended to read as follows:

(1) Nothing in this title applies to or prevents a day spa, wedding boutique, or art gallery from offering or supplying without charge wine or beer by the individual glass to a customer for consumption on the premises. However, the customer must be at least twenty-one years of age and may only be offered one glass of wine or beer, and wine or beer served or consumed shall be purchased from a Washington state licensed retailer or a Washington state liquor store or agency at full retail price. A day spa, wedding boutique, or art gallery offering wine or beer without charge may not advertise the service of complimentary wine or beer and may not sell wine or beer in any manner. If the wine or beer is offered by a day spa that provides massages, the wine or beer may not be offered to the customers until the massage is completed. Any employee involved in the service of wine or beer must complete a board-approved limited alcohol server training program.

(2) For the purposes of this section:

(a) "Art gallery" means a room or building devoted to the exhibition and/or sale of the works of art.

(b) "Wedding boutique" means a business primarily engaged in the sale of wedding merchandise.

**NEW SECTION. Sec. 2.** A new section is added to chapter 66.20 RCW to read as follows:

(1) There shall be a permit known as a day spa permit to allow the holder to offer or supply without charge wine or beer by the individual glass to a customer for consumption on the premises. The customer must be at least twenty-one years of age and may only be offered one glass of wine or beer, and wine or beer served or consumed shall be purchased from a Washington state licensed retailer. A day spa offering wine or beer without charge may not advertise the service of complimentary wine or beer and may not sell wine or beer in any manner. If the wine or beer is offered by a day spa that provides massages, the wine or beer may not be offered to the customers until the massage is completed.

(2) For the purposes of this section, "day spa" means a business that offers at least three of the following beauty services: Shampooing, cutting, styling, or dyeing hair, manicures, pedicures, facials, massages, and the use of body toning equipment.

(3) The annual fee for this permit is one hundred twenty-five dollars.

**NEW SECTION. Sec. 3.** A new section is added to chapter 66.24 RCW to read as follows:

(1) There shall be a license to be designated as a senior center license. This shall be a license issued to a nonprofit organization whose primary service is providing recreational and social activities for seniors on the licensed premises. This license shall permit the licensee to sell spirits by the individual glass, including mixed drinks and cocktails mixed on the premises only, beer and wine, at retail for consumption on the premises.

(2) To qualify for this license, the applicant entity must:

- (a) Be a nonprofit organization under chapter 24.03 RCW;
- (b) Be open at times and durations established by the board; and
- (c) Provide limited food service as defined by the board.

(3) All alcohol servers must have a valid mandatory alcohol server training permit.

(4) The board shall adopt rules to implement this section.

(5) The annual fee for this license shall be seven hundred twenty dollars.

**Sec. 4.** RCW 66.20.300 and 2011 c 325 s 5 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 66.20.310 through 66.20.350.

(1) "Alcohol" has the same meaning as "liquor" in RCW 66.04.010.

(2) "Alcohol server" means any person who as part of his or her employment participates in the sale or service of alcoholic beverages for on-premise consumption at a retail licensed premise as a regular requirement of his or her employment, and includes those persons eighteen years of age or older permitted by the liquor laws of this state to serve alcoholic beverages with meals.

(3) "Board" means the Washington state liquor control board.

(4) "Training entity" means any liquor licensee associations, independent contractors, private persons, and private or public schools, that have been certified by the board.

(5) "Retail licensed premises" means any:

(a) Premises licensed to sell alcohol by the glass or by the drink, or in original containers primarily for consumption on the premises as authorized by RCW 66.24.320, 66.24.330, 66.24.350, 66.24.400, 66.24.425, 66.24.450, 66.24.570, ~~((and))~~ 66.24.610, and section 3 of this act;

(b) Distillery licensed pursuant to RCW 66.24.140 that is authorized to serve samples of its own production;

(c) Facility established by a domestic winery for serving and selling wine pursuant to RCW 66.24.170(4); and

(d) Grocery store licensed under RCW 66.24.360, but only with respect to employees whose duties include serving during tasting activities under RCW 66.24.363.

**Sec. 5.** RCW 66.20.310 and 2011 c 325 s 4 are each amended to read as follows:

(1)(a) There shall be an alcohol server permit, known as a class 12 permit, for a manager or bartender selling or mixing alcohol, spirits, wines, or beer for consumption at an on-premises licensed facility.

(b) There shall be an alcohol server permit, known as a class 13 permit, for a person who only serves alcohol, spirits, wines, or beer for consumption at an on-premises licensed facility.

(c) As provided by rule by the board, a class 13 permit holder may be allowed to act as a bartender without holding a class 12 permit.

(2)(a) Effective January 1, 1997, except as provided in (d) of this subsection, every alcohol server employed, under contract or otherwise, at a retail licensed premise shall be issued a class 12 or class 13 permit.

(b) Every class 12 and class 13 permit issued shall be issued in the name of the applicant and no other person may use the permit of another permit holder. The holder shall present the permit upon request to inspection by a representative of the board or a peace officer. The class 12 or class 13 permit shall be valid for employment at any retail licensed premises described in (a) of this subsection.

(c) Except as provided in (d) of this subsection, no licensee holding a license as authorized by RCW 66.24.320, 66.24.330, 66.24.350, 66.24.400, 66.24.425, 66.24.450, 66.24.570, 66.24.600, ~~((and))~~ 66.24.610, and section 3 of this act may employ or accept the services of any person without the person first having a valid class 12 or class 13 permit.

(d) Within sixty days of initial employment, every person whose duties include the compounding, sale, service, or handling of liquor shall have a class 12 or class 13 permit.

(e) No person may perform duties that include the sale or service of alcoholic beverages on a retail licensed premises without possessing a valid alcohol server permit.

(3) A permit issued by a training entity under this section is valid for employment at any retail licensed premises described in subsection (2)(a) of this section for a period of five years unless suspended by the board.

(4) The board may suspend or revoke an existing permit if any of the following occur:

(a) The applicant or permittee has been convicted of violating any of the state or local intoxicating liquor laws of this state or has been convicted at any time of a felony; or

(b) The permittee has performed or permitted any act that constitutes a violation of this title or of any rule of the board.

(5) The suspension or revocation of a permit under this section does not relieve a licensee from responsibility for any act of the employee or agent while employed upon the retail licensed premises. The board may, as appropriate, revoke or suspend either the permit of the employee who committed the violation or the license of the licensee upon whose premises the violation occurred, or both the permit and the license.

(6)(a) After January 1, 1997, it is a violation of this title for any retail licensee or agent of a retail licensee as described in subsection (2)(a) of this section to employ in the sale or service of alcoholic beverages, any person who does not have a valid alcohol server permit or whose permit has been revoked, suspended, or denied.

(b) It is a violation of this title for a person whose alcohol server permit has been denied, suspended, or revoked to accept employment in the sale or service of alcoholic beverages.

THIRTY SEVENTH DAY, FEBRUARY 14, 2012

2012 REGULAR SESSION

(7) Grocery stores licensed under RCW 66.24.360, the primary commercial activity of which is the sale of grocery products and for which the sale and service of beer and wine for on-premises consumption with food is incidental to the primary business, and employees of such establishments, are exempt from RCW 66.20.300 through 66.20.350, except for employees whose duties include serving during tasting activities under RCW 66.24.363.

**Sec. 6.** RCW 66.24.440 and 2011 c 325 s 3 are each amended to read as follows:

Each spirits, beer, and wine restaurant, spirits, beer, and wine private club, hotel, spirits, beer, and wine nightclub, sports entertainment facility (~~licensee, and~~), VIP airport lounge, and senior center licensee shall be entitled to purchase any spirituous liquor items salable under such license from the board at a discount of not less than fifteen percent from the retail price fixed by the board, together with all taxes.

**Sec. 7.** RCW 66.28.310 and 2011 c 119 s 101 and 2011 c 66 s 3 are each reenacted and amended to read as follows:

(1)(a) Nothing in RCW 66.28.305 prohibits an industry member from providing retailers branded promotional items which are of nominal value, singly or in the aggregate. Such items include but are not limited to: Trays, lighters, blotters, postcards, pencils, coasters, menu cards, meal checks, napkins, clocks, mugs, glasses, bottles or can openers, corkscrews, matches, printed recipes, shirts, hats, visors, and other similar items. Branded promotional items:

(i) Must be used exclusively by the retailer or its employees in a manner consistent with its license;

(ii) Must bear imprinted advertising matter of the industry member only, except imprinted advertising matter of the industry member can include the logo of a professional sports team which the industry member is licensed to use;

(iii) May be provided by industry members only to retailers and their employees and may not be provided by or through retailers or their employees to retail customers; and

(iv) May not be targeted to or appeal principally to youth.

(b) An industry member is not obligated to provide any such branded promotional items, and a retailer may not require an industry member to provide such branded promotional items as a condition for selling any alcohol to the retailer.

(c) Any industry member or retailer or any other person asserting that the provision of branded promotional items as allowed in (a) of this subsection has resulted or is more likely than not to result in undue influence or an adverse impact on public health and safety, or is otherwise inconsistent with the criteria in (a) of this subsection may file a complaint with the board. Upon receipt of a complaint the board may conduct such investigation as it deems appropriate in the circumstances. If the investigation reveals the provision of branded promotional items has resulted in or is more likely than not to result in undue influence or has resulted or is more likely than not to result in an adverse impact on public health and safety or is otherwise inconsistent with (a) of this subsection the board may issue an administrative violation notice to the industry member, to the retailer, or both. The recipient of the administrative violation notice may request a hearing under chapter 34.05 RCW.

(2) Nothing in RCW 66.28.305 prohibits:

(a) An industry member from providing to a special occasion licensee and a special occasion licensee from receiving services for:

(i) Installation of draft beer dispensing equipment or advertising;

(ii) Advertising, pouring, or dispensing of beer or wine at a beer or wine tasting exhibition or judging event; or

(iii) Pouring or dispensing of spirits by a licensed domestic distiller or the accredited representative of a distiller, manufacturer, importer, or distributor of spirituous liquor licensed under RCW 66.24.310; or

(b) Special occasion licensees from paying for beer or wine immediately following the end of the special occasion event; or

(c) Wineries or breweries that are participating in a special occasion event from paying reasonable booth fees to the special occasion licensee.

(3) Nothing in RCW 66.28.305 prohibits industry members from performing, and retailers from accepting the service of building, rotating, and restocking displays and stockroom inventories; rotating and rearranging can and bottle displays of their own products; providing point of sale material and brand signs; pricing case goods of their own brands; and performing such similar business services consistent with board rules, or personal services as described in subsection (5) of this section.

(4) Nothing in RCW 66.28.305 prohibits:

(a) Industry members from listing on their internet web sites information related to retailers who sell or promote their products, including direct links to the retailers' internet web sites; and

(b) Retailers from listing on their internet web sites information related to industry members whose products those retailers sell or promote, including direct links to the industry members' web sites; or

(c) Industry members and retailers from producing, jointly or together with regional, state, or local industry associations, brochures and materials promoting tourism in Washington state which contain information regarding retail licensees, industry members, and their products.

(5) Nothing in RCW 66.28.305 prohibits the performance of personal services offered from time to time by a domestic winery or certificate of approval holder to retailers when the personal services are (a) conducted at a licensed premises, and (b) intended to inform, educate, or enhance customers' knowledge or experience of the manufacturer's products. The performance of personal services may include participation and pouring, bottle signing events, and other similar informational or educational activities at the premises of a retailer holding a spirits, beer, and wine restaurant license, a wine and/or beer restaurant license, a specialty wine shop license, a special occasion license, a grocery store license with a tasting endorsement, or a private club license. A domestic winery or certificate of approval holder is not obligated to perform any such personal services, and a retail licensee may not require a domestic winery or certificate of approval holder to conduct any personal service as a condition for selling any alcohol to the retail licensee, or as a condition for including any product of the domestic winery or certificate of approval holder in any tasting conducted by the licensee. Except as provided in RCW 66.28.150, the cost of sampling may not be borne, directly or indirectly, by any domestic winery or certificate of approval holder or any distributor. Nothing in this section prohibits wineries, breweries, microbreweries, certificate of approval holders, and retail licensees from identifying the producers on private labels authorized under RCW 66.24.400, 66.24.425, ~~((and)) 66.24.450, 66.24.360, and 66.24.371.~~

(6) Nothing in RCW 66.28.305 prohibits an industry member from entering into an arrangement with any holder of a sports entertainment facility license or an affiliated business for brand advertising at the licensed facility or promoting events held at the sports entertainment facility as authorized under RCW 66.24.570.

(7) Nothing in RCW 66.28.305 prohibits the performance of personal services offered from time to time by a domestic brewery, microbrewery, or beer certificate of approval holder to grocery store licensees with a tasting endorsement when the personal services are (a) conducted at a licensed premises in conjunction with a tasting event, and (b) intended to inform, educate, or enhance customers' knowledge or experience of the manufacturer's products. The performance of personal services may include participation and pouring, bottle signing events, and other similar informational or

educational activities. A domestic brewery, microbrewery, or beer certificate of approval holder is not obligated to perform any such personal services, and a grocery store licensee may not require the performance of any personal service as a condition for including any product in any tasting conducted by the licensee.

(8) Nothing in RCW 66.28.305 prohibits an arrangement between a domestic winery and a restaurant licensed under RCW 66.24.320 or 66.24.400 to waive a corkage fee.

(9) Nothing in this section prohibits professional sports teams who hold a retail liquor license or their agents from accepting bona fide liquor advertising from manufacturers, importers, distributors, or their agents for use in the sporting arena. Professional sports teams who hold a retail liquor license or their agents may license the manufacturer, importer, distributor, or their agents to use the name and trademarks of the professional sports team in their advertising and promotions, under the following conditions:

(a) Such advertising must be paid for by said manufacturer, importer, distributor, or their agent at the published advertising rate or at a reasonable fair market value.

(b) Such advertising may carry with it no express or implied offer on the part of the manufacturer, importer, distributor, or their agent, or promise on the part of the retail licensee whose operation is directly or indirectly part of the sporting arena, to stock or list any particular brand of liquor to the total or partial exclusion of any other brand.

**NEW SECTION. Sec. 8.** A new section is added to chapter 66.16 RCW to read as follows:

(1) The liquor control board must allow spirits sampling in former contract liquor stores for the purpose of promoting spirits products. Stores may apply for an endorsement to offer spirits tastings under this section.

(a) No store may hold more than one spirits sampling per week.

(b) The locations shall be approved by the board. Before the board determines which stores will be eligible to participate, it shall give:

(i) Due consideration to the location of the store with respect to the proximity of places of worship, schools, and public institutions;

(ii) Due consideration to motor vehicle accident data in the proximity of the store; and

(iii) Written notice by certified mail of the proposed spirits sampling to places of worship, schools, and public institutions within five hundred feet of the store proposed to offer spirits sampling.

(c) Sampling must be conducted under the following conditions:

(i) Sampling may take place only in an area of a store in which access to persons under twenty-one years of age is prohibited;

(ii) Samples may be provided free of charge;

(iii) Only persons twenty-one years of age or over may sample spirits;

(iv) Each sample must be one-quarter ounce or less, with no more than one ounce of samples provided per person per day;

(v) Tasting activities are subject to RCW 66.28.305 and 66.28.040 and the cost of sampling may not be borne, directly or indirectly, by any liquor manufacturer, importer, or distributor;

(vi) Any person involved in the serving of such samples must have completed a mandatory alcohol server training program;

(vii) No person who is apparently intoxicated may sample spirits;

(viii) The product provided for sampling must be available for sale at the store where the sampling occurs at the time of the sampling; and

(ix) Customers must remain on the store premise while consuming samples.

(d) The liquor control board may prohibit sampling at a location that is within the boundaries of an alcohol impact area recognized by

resolution of the board if the board finds that the sampling activities at the location are having an adverse effect on the reduction of chronic public inebriation in the area.

(e) A store may advertise a tasting event only within the store, on a store web site, in-store newsletters and flyers, and via e-mail and mail to customers who have requested notice of events. Advertising under this subsection may not be targeted to or appeal principally to youth.

(f) All other criteria must be determined by the board.

(2) The liquor control board may adopt rules to implement this section.

(3) For the purposes of this section, "store" means a former contract liquor store premises as of May 31, 2012.

(4)(a) If a store is found to have committed a public safety violation in conjunction with tasting activities, the board may suspend the licensee's tasting endorsement and not reissue the endorsement for up to two years from the date of the violation. If mitigating circumstances exist, the board may offer a monetary penalty in lieu of suspension during a settlement conference.

(b) RCW 66.08.150 applies to the suspension or revocation of an endorsement.

**Sec. 9.** RCW 66.24.363 and 2010 c 141 s 1 are each amended to read as follows:

(1) A grocery store licensed under RCW 66.24.360 may apply for an endorsement to offer beer and wine tasting under this section.

(2) To be issued an endorsement, a licensee must meet the following criteria:

(a) The licensee has retail sales of grocery products for off-premises consumption that are more than fifty percent of the licensee's gross sales or the licensee is a membership organization that requires members to be at least eighteen years of age;

(b) The licensee operates a fully enclosed retail area encompassing at least nine thousand square feet, except that the board may issue an endorsement to a licensee with a retail area encompassing less than nine thousand square feet if the board determines that no licensee in the community the licensee serves meets the square footage requirement and the licensee meets operational requirements established by the board by rule; and

(c) The licensee has not had more than one public safety violation within the past two years.

(3) A tasting must be conducted under the following conditions:

(a) Each sample must be two ounces or less, up to a total of four ounces, per customer during any one visit to the premises;

(b) No more than one sample of the same product offering of beer or wine may be provided to a customer during any one visit to the premises;

(c) The licensee must have food available for the tasting participants;

(d) Customers must remain in the service area while consuming samples; and

(e) The service area and facilities must be located within the licensee's fully enclosed retail area and must be of a size and design such that the licensee can observe and control persons in the area to ensure that persons under twenty-one years of age and apparently intoxicated persons cannot possess or consume alcohol.

(4) Employees of licensees whose duties include serving during tasting activities under this section must hold a class 12 alcohol server permit.

(5) Tasting activities under this section are subject to RCW 66.28.305 and 66.28.040 and the cost of sampling may not be borne, directly or indirectly, by any liquor manufacturer, importer, or distributor.

(6) A licensee may advertise a tasting event only within the store, on a store web site, in store newsletters and flyers, and via e-mail and mail to customers who have requested notice of events.

THIRTY SEVENTH DAY, FEBRUARY 14, 2012

2012 REGULAR SESSION

Advertising under this subsection may not be targeted to or appeal principally to youth.

(7)(a) If a licensee is found to have committed a public safety violation in conjunction with tasting activities, the board may suspend the licensee's tasting endorsement and not reissue the endorsement for up to two years from the date of the violation. If mitigating circumstances exist, the board may offer a monetary penalty in lieu of suspension during a settlement conference.

(b) The board may revoke an endorsement granted to a licensee that is located within the boundaries of an alcohol impact area recognized by resolution of the board if the board finds that the tasting activities by the licensee are having an adverse effect on the reduction of chronic public inebriation in the area.

(c) RCW 66.08.150 applies to the suspension or revocation of an endorsement.

(8) The board may establish additional requirements under this section to assure that persons under twenty-one years of age and apparently intoxicated persons cannot possess or consume alcohol.

(9) Upon request the board may adjust the gross sales percentage in subsection (2)(a) of this section at the discretion of the board.

(10) The annual fee for the endorsement is two hundred dollars. The board shall review the fee annually and may increase the fee by rule to a level sufficient to defray the cost of administration and enforcement of the endorsement, except that the board may not increase the fee by more than ten percent annually.

~~((10))~~ (11) The board must adopt rules to implement this section."

Senators Kohl-Welles and King spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Kohl-Welles and others to Substitute Senate Bill No. 6477.

The motion by Senator Kohl-Welles carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "liquor licensing, sales, and tasting; amending RCW 66.12.240, 66.20.300, 66.20.310, 66.24.440, and 66.24.363; reenacting and amending RCW 66.28.310; adding a new section to chapter 66.20 RCW; adding a new section to chapter 66.24 RCW; and adding a new section to chapter 66.16 RCW."

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Engrossed Substitute Senate Bill No. 6477 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Conway spoke in favor of passage of the bill.

Senator Holmquist Newbry spoke on final passage of the bill.

MOTION

On motion of Senator Delvin, Senator Benton was excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6477.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6477 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 13; Absent, 0; Excused, 2.

Voting yea: Senators Baumgartner, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Frockt, Harper, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Murray, Nelson, Pflug, Pridemore, Ranker, Regala, Rolfes, Schoesler, Swecker, Tom and Zarelli

Voting nay: Senators Becker, Fraser, Hargrove, Haugen, Holmquist Newbry, Morton, Padden, Parlette, Prentice, Roach, Sheldon, Shin and Stevens

Excused: Senators Benton and Brown

ENGROSSED SUBSTITUTE SENATE BILL NO. 6477, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 12:27 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 2:00 p.m. by the President Pro Tempore.

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

February 14, 2012

MR. PRESIDENT:

The House has passed:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2238,

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2265,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2330,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2341,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2571,

ENGROSSED HOUSE BILL NO. 2671,

ENGROSSED HOUSE BILL NO. 2771.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

MOTION

On motion of Senator Ericksen, Senator Zarelli was excused.

SECOND READING

SENATE BILL NO. 6325, by Senators Holmquist Newbry, Kohl-Welles and Tom

Exempting common interest community managers from real estate broker and managing broker licensing requirements.

#### MOTIONS

On motion of Senator Holmquist Newbry, Substitute Senate Bill No. 6325 was substituted for Senate Bill No. 6325 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Holmquist Newbry, the rules were suspended, Substitute Senate Bill No. 6325 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Holmquist Newbry spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6325.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6325 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Swecker and Tom

Absent: Senator Stevens

Excused: Senator Zarelli

SUBSTITUTE SENATE BILL NO. 6325, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Ericksen, Senator Stevens was excused.

#### SECOND READING

SENATE BILL NO. 6280, by Senators Carrell, Swecker, Conway, Holmquist Newbry and Parlette

Concerning robberies of pharmacies. Revised for 1st Substitute: Concerning crimes against pharmacies.

#### MOTION

On motion of Senator Carrell, Substitute Senate Bill No. 6280 was substituted for Senate Bill No. 6280 and the substitute bill was placed on the second reading and read the second time.

#### MOTION

Senator Hargrove moved that the following striking amendment by Senators Hargrove and Carrell be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 9.94A RCW to read as follows:

In a criminal case where:

(1) The defendant has been convicted of robbery in the first degree or robbery in the second degree; and

(2) There has been a special allegation pleaded and proven beyond a reasonable doubt that the defendant committed a robbery of a pharmacy as defined in RCW 18.64.011(21);

the court shall make a finding of fact of the special allegation, or if a jury is had, the jury shall, if it finds the defendant guilty, also find a special verdict as to the special allegation.

**Sec. 2.** RCW 9.94A.533 and 2011 c 293 s 9 are each amended to read as follows:

(1) The provisions of this section apply to the standard sentence ranges determined by RCW 9.94A.510 or 9.94A.517.

(2) For persons convicted of the anticipatory offenses of criminal attempt, solicitation, or conspiracy under chapter 9A.28 RCW, the standard sentence range is determined by locating the sentencing grid sentence range defined by the appropriate offender score and the seriousness level of the completed crime, and multiplying the range by seventy-five percent.

(3) The following additional times shall be added to the standard sentence range for felony crimes committed after July 23, 1995, if the offender or an accomplice was armed with a firearm as defined in RCW 9.41.010 and the offender is being sentenced for one of the crimes listed in this subsection as eligible for any firearm enhancements based on the classification of the completed felony crime. If the offender is being sentenced for more than one offense, the firearm enhancement or enhancements must be added to the total period of confinement for all offenses, regardless of which underlying offense is subject to a firearm enhancement. If the offender or an accomplice was armed with a firearm as defined in RCW 9.41.010 and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection as eligible for any firearm enhancements, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

(a) Five years for any felony defined under any law as a class A felony or with a statutory maximum sentence of at least twenty years, or both, and not covered under (f) of this subsection;

(b) Three years for any felony defined under any law as a class B felony or with a statutory maximum sentence of ten years, or both, and not covered under (f) of this subsection;

(c) Eighteen months for any felony defined under any law as a class C felony or with a statutory maximum sentence of five years, or both, and not covered under (f) of this subsection;

(d) If the offender is being sentenced for any firearm enhancements under (a), (b), and/or (c) of this subsection and the offender has previously been sentenced for any deadly weapon enhancements after July 23, 1995, under (a), (b), and/or (c) of this subsection or subsection (4)(a), (b), and/or (c) of this section, or both, all firearm enhancements under this subsection shall be twice the amount of the enhancement listed;

(e) Notwithstanding any other provision of law, all firearm enhancements under this section are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other firearm or deadly weapon enhancements, for all offenses sentenced under this chapter. However, whether or not a mandatory minimum term has expired, an offender serving a sentence under this subsection may be granted an extraordinary medical placement when authorized under RCW 9.94A.728(3);

(f) The firearm enhancements in this section shall apply to all felony crimes except the following: Possession of a machine gun,

THIRTY SEVENTH DAY, FEBRUARY 14, 2012

2012 REGULAR SESSION

possessing a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first and second degree, and use of a machine gun in a felony;

(g) If the standard sentence range under this section exceeds the statutory maximum sentence for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender. If the addition of a firearm enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced.

(4) The following additional times shall be added to the standard sentence range for felony crimes committed after July 23, 1995, if the offender or an accomplice was armed with a deadly weapon other than a firearm as defined in RCW 9.41.010 and the offender is being sentenced for one of the crimes listed in this subsection as eligible for any deadly weapon enhancements based on the classification of the completed felony crime. If the offender is being sentenced for more than one offense, the deadly weapon enhancement or enhancements must be added to the total period of confinement for all offenses, regardless of which underlying offense is subject to a deadly weapon enhancement. If the offender or an accomplice was armed with a deadly weapon other than a firearm as defined in RCW 9.41.010 and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection as eligible for any deadly weapon enhancements, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

(a) Two years for any felony defined under any law as a class A felony or with a statutory maximum sentence of at least twenty years, or both, and not covered under (f) of this subsection;

(b) One year for any felony defined under any law as a class B felony or with a statutory maximum sentence of ten years, or both, and not covered under (f) of this subsection;

(c) Six months for any felony defined under any law as a class C felony or with a statutory maximum sentence of five years, or both, and not covered under (f) of this subsection;

(d) If the offender is being sentenced under (a), (b), and/or (c) of this subsection for any deadly weapon enhancements and the offender has previously been sentenced for any deadly weapon enhancements after July 23, 1995, under (a), (b), and/or (c) of this subsection or subsection (3)(a), (b), and/or (c) of this section, or both, all deadly weapon enhancements under this subsection shall be twice the amount of the enhancement listed;

(e) Notwithstanding any other provision of law, all deadly weapon enhancements under this section are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other firearm or deadly weapon enhancements, for all offenses sentenced under this chapter. However, whether or not a mandatory minimum term has expired, an offender serving a sentence under this subsection may be granted an extraordinary medical placement when authorized under RCW 9.94A.728(3);

(f) The deadly weapon enhancements in this section shall apply to all felony crimes except the following: Possession of a machine gun, possessing a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first and second degree, and use of a machine gun in a felony;

(g) If the standard sentence range under this section exceeds the statutory maximum sentence for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender. If the addition of a deadly weapon enhancement increases the sentence so that it would exceed the

statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced.

(5) The following additional times shall be added to the standard sentence range if the offender or an accomplice committed the offense while in a county jail or state correctional facility and the offender is being sentenced for one of the crimes listed in this subsection. If the offender or an accomplice committed one of the crimes listed in this subsection while in a county jail or state correctional facility, and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section:

a) Eighteen months for offenses committed under RCW 69.50.401(2) (a) or (b) or 69.50.410;

(b) Fifteen months for offenses committed under RCW 69.50.401(2) (c), (d), or (e);

(c) Twelve months for offenses committed under RCW 69.50.4013.

For the purposes of this subsection, all of the real property of a state correctional facility or county jail shall be deemed to be part of that facility or county jail.

(6) An additional twenty-four months shall be added to the standard sentence range for any ranked offense involving a violation of chapter 69.50 RCW if the offense was also a violation of RCW 69.50.435 or 9.94A.827. All enhancements under this subsection shall run consecutively to all other sentencing provisions, for all offenses sentenced under this chapter.

(7) An additional two years shall be added to the standard sentence range for vehicular homicide committed while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502 for each prior offense as defined in RCW 46.61.5055. All enhancements under this subsection shall be mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions.

(8)(a) The following additional times shall be added to the standard sentence range for felony crimes committed on or after July 1, 2006, if the offense was committed with sexual motivation, as that term is defined in RCW 9.94A.030. If the offender is being sentenced for more than one offense, the sexual motivation enhancement must be added to the total period of total confinement for all offenses, regardless of which underlying offense is subject to a sexual motivation enhancement. If the offender committed the offense with sexual motivation and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

(i) Two years for any felony defined under the law as a class A felony or with a statutory maximum sentence of at least twenty years, or both;

(ii) Eighteen months for any felony defined under any law as a class B felony or with a statutory maximum sentence of ten years, or both;

(iii) One year for any felony defined under any law as a class C felony or with a statutory maximum sentence of five years, or both;

(iv) If the offender is being sentenced for any sexual motivation enhancements under (a)(i), (ii), and/or (iii) of this subsection and the offender has previously been sentenced for any sexual motivation enhancements on or after July 1, 2006, under (a)(i), (ii), and/or (iii) of this subsection, all sexual motivation enhancements under this subsection shall be twice the amount of the enhancement listed;

(b) Notwithstanding any other provision of law, all sexual motivation enhancements under this subsection are mandatory, shall be served in total confinement, and shall run consecutively to all

other sentencing provisions, including other sexual motivation enhancements, for all offenses sentenced under this chapter. However, whether or not a mandatory minimum term has expired, an offender serving a sentence under this subsection may be granted an extraordinary medical placement when authorized under RCW 9.94A.728(3);

(c) The sexual motivation enhancements in this subsection apply to all felony crimes;

(d) If the standard sentence range under this subsection exceeds the statutory maximum sentence for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender. If the addition of a sexual motivation enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced;

(e) The portion of the total confinement sentence which the offender must serve under this subsection shall be calculated before any earned early release time is credited to the offender;

(f) Nothing in this subsection prevents a sentencing court from imposing a sentence outside the standard sentence range pursuant to RCW 9.94A.535.

(9) An additional one-year enhancement shall be added to the standard sentence range for the felony crimes of RCW 9A.44.073, 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, or 9A.44.089 committed on or after July 22, 2007, if the offender engaged, agreed, or offered to engage the victim in the sexual conduct in return for a fee. If the offender is being sentenced for more than one offense, the one-year enhancement must be added to the total period of total confinement for all offenses, regardless of which underlying offense is subject to the enhancement. If the offender is being sentenced for an anticipatory offense for the felony crimes of RCW 9A.44.073, 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, or 9A.44.089, and the offender attempted, solicited another, or conspired to engage, agree, or offer to engage the victim in the sexual conduct in return for a fee, an additional one-year enhancement shall be added to the standard sentence range determined under subsection (2) of this section. For purposes of this subsection, "sexual conduct" means sexual intercourse or sexual contact, both as defined in chapter 9A.44 RCW.

(10)(a) For a person age eighteen or older convicted of any criminal street gang-related felony offense for which the person compensated, threatened, or solicited a minor in order to involve the minor in the commission of the felony offense, the standard sentence range is determined by locating the sentencing grid sentence range defined by the appropriate offender score and the seriousness level of the completed crime, and multiplying the range by one hundred twenty-five percent. If the standard sentence range under this subsection exceeds the statutory maximum sentence for the offense, the statutory maximum sentence is the presumptive sentence unless the offender is a persistent offender.

(b) This subsection does not apply to any criminal street gang-related felony offense for which involving a minor in the commission of the felony offense is an element of the offense.

(c) The increased penalty specified in (a) of this subsection is unavailable in the event that the prosecution gives notice that it will seek an exceptional sentence based on an aggravating factor under RCW 9.94A.535.

(11) An additional twelve months and one day shall be added to the standard sentence range for a conviction of attempting to elude a police vehicle as defined by RCW 46.61.024, if the conviction included a finding by special allegation of endangering one or more persons under RCW 9.94A.834.

(12) An additional twelve months shall be added to the standard sentence range for an offense that is also a violation of RCW 9.94A.831.

(13) An additional twelve months shall be added to the standard sentence range for an offense that is also a violation of section 1 of this act."

Senator Hargrove spoke in favor of adoption of the striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the striking amendment by Senators Hargrove and Carrell to Substitute Senate Bill No. 6280.

The motion by Senator Hargrove carried and the striking amendment was adopted by voice vote.

#### MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "pharmacies;" strike the remainder of the title and insert "amending RCW 9.94A.533; and adding a new section to chapter 9.94A RCW."

#### MOTION

On motion of Senator Carrell, the rules were suspended, Engrossed Substitute Senate Bill No. 6280 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Carrell and Conway spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6280.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6280 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker and Tom

Excused: Senator Zarelli

ENGROSSED SUBSTITUTE SENATE BILL NO. 6280, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6589, by Senators Kastama and Tom

Requiring a direct patient-provider primary care practice services option for public employees.

The measure was read the second time.

#### MOTION

THIRTY SEVENTH DAY, FEBRUARY 14, 2012

2012 REGULAR SESSION

Senator Brown moved that the following striking amendment by Senator Brown be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 41.05.065 and 2011 1st sp.s. c 8 s 1 are each amended to read as follows:

(1) The board shall study all matters connected with the provision of health care coverage, life insurance, liability insurance, accidental death and dismemberment insurance, and disability income insurance or any of, or a combination of, the enumerated types of insurance for employees and their dependents on the best basis possible with relation both to the welfare of the employees and to the state. However, liability insurance shall not be made available to dependents.

(2) The board shall develop employee benefit plans that include comprehensive health care benefits for employees. In developing these plans, the board shall consider the following elements:

(a) Methods of maximizing cost containment while ensuring access to quality health care;

(b) Development of provider arrangements that encourage cost containment and ensure access to quality care, including but not limited to prepaid delivery systems and prospective payment methods;

(c) Wellness incentives that focus on proven strategies, such as smoking cessation, injury and accident prevention, reduction of alcohol misuse, appropriate weight reduction, exercise, automobile and motorcycle safety, blood cholesterol reduction, and nutrition education;

(d) Utilization review procedures including, but not limited to a cost-efficient method for prior authorization of services, hospital inpatient length of stay review, requirements for use of outpatient surgeries and second opinions for surgeries, review of invoices or claims submitted by service providers, and performance audit of providers;

(e) Effective coordination of benefits; and

(f) Minimum standards for insuring entities.

(3) To maintain the comprehensive nature of employee health care benefits, benefits provided to employees shall be substantially equivalent to the state employees' health benefits plan in effect on January 1, 1993. Nothing in this subsection shall prohibit changes or increases in employee point-of-service payments or employee premium payments for benefits or the administration of a high deductible health plan in conjunction with a health savings account. This subsection does not prohibit the board from offering a plan incorporating primary care services through a direct patient-provider primary care practice as provided in subsection (6) of this section. The board may establish employee eligibility criteria which are not substantially equivalent to employee eligibility criteria in effect on January 1, 1993.

(4) Except if bargained for under chapter 41.80 RCW, the board shall design benefits and determine the terms and conditions of employee and retired employee participation and coverage, including establishment of eligibility criteria subject to the requirements of this chapter. Employer groups obtaining benefits through contractual agreement with the authority for employees defined in RCW 41.05.011(6) (a) through (d) may contractually agree with the authority to benefits eligibility criteria which differs from that determined by the board. The eligibility criteria established by the board shall be no more restrictive than the following:

(a) Except as provided in (b) through (e) of this subsection, an employee is eligible for benefits from the date of employment if the employing agency anticipates he or she will work an average of at least eighty hours per month and for at least eight hours in each month for more than six consecutive months. An employee

determined ineligible for benefits at the beginning of his or her employment shall become eligible in the following circumstances:

(i) An employee who works an average of at least eighty hours per month and for at least eight hours in each month and whose anticipated duration of employment is revised from less than or equal to six consecutive months to more than six consecutive months becomes eligible when the revision is made.

(ii) An employee who works an average of at least eighty hours per month over a period of six consecutive months and for at least eight hours in each of those six consecutive months becomes eligible at the first of the month following the six-month averaging period.

(b) A seasonal employee is eligible for benefits from the date of employment if the employing agency anticipates that he or she will work an average of at least eighty hours per month and for at least eight hours in each month of the season. A seasonal employee determined ineligible at the beginning of his or her employment who works an average of at least half-time, as defined by the board, per month over a period of six consecutive months and at least eight hours in each of those six consecutive months becomes eligible at the first of the month following the six-month averaging period. A benefits-eligible seasonal employee who works a season of less than nine months shall not be eligible for the employer contribution during the off season, but may continue enrollment in benefits during the off season by self-paying for the benefits. A benefits-eligible seasonal employee who works a season of nine months or more is eligible for the employer contribution through the off season following each season worked.

(c) Faculty are eligible as follows:

(i) Faculty who the employing agency anticipates will work half-time or more for the entire instructional year or equivalent nine-month period are eligible for benefits from the date of employment. Eligibility shall continue until the beginning of the first full month of the next instructional year, unless the employment relationship is terminated, in which case eligibility shall cease the first month following the notice of termination or the effective date of the termination, whichever is later.

(ii) Faculty who the employing agency anticipates will not work for the entire instructional year or equivalent nine-month period are eligible for benefits at the beginning of the second consecutive quarter or semester of employment in which he or she is anticipated to work, or has actually worked, half-time or more. Such an employee shall continue to receive uninterrupted employer contributions for benefits if the employee works at least half-time in a quarter or semester. Faculty who the employing agency anticipates will not work for the entire instructional year or equivalent nine-month period, but who actually work half-time or more throughout the entire instructional year, are eligible for summer or off-quarter coverage. Faculty who have met the criteria of this subsection (4)(c)(ii), who work at least two quarters of the academic year with an average academic year workload of half-time or more for three quarters of the academic year, and who have worked an average of half-time or more in each of the two preceding academic years shall continue to receive uninterrupted employer contributions for benefits if he or she works at least half-time in a quarter or semester or works two quarters of the academic year with an average academic workload each academic year of half-time or more for three quarters. Eligibility under this section ceases immediately if this criteria is not met.

(iii) Faculty may establish or maintain eligibility for benefits by working for more than one institution of higher education. When faculty work for more than one institution of higher education, those institutions shall prorate the employer contribution costs, or if eligibility is reached through one institution, that institution will pay the full employer contribution. Faculty working for more than one

institution must alert his or her employers to his or her potential eligibility in order to establish eligibility.

(iv) The employing agency must provide written notice to faculty who are potentially eligible for benefits under this subsection (4)(c) of their potential eligibility.

(v) To be eligible for maintenance of benefits through averaging under (c)(ii) of this subsection, faculty must provide written notification to his or her employing agency or agencies of his or her potential eligibility.

(d) A legislator is eligible for benefits on the date his or her term begins. All other elected and full-time appointed officials of the legislative and executive branches of state government are eligible for benefits on the date his or her term begins or they take the oath of office, whichever occurs first.

(e) A justice of the supreme court and judges of the court of appeals and the superior courts become eligible for benefits on the date he or she takes the oath of office.

(f) Except as provided in (c)(i) and (ii) of this subsection, eligibility ceases for any employee the first of the month following termination of the employment relationship.

(g) In determining eligibility under this section, the employing agency may disregard training hours, standby hours, or temporary changes in work hours as determined by the authority under this section.

(h) Insurance coverage for all eligible employees begins on the first day of the month following the date when eligibility for benefits is established. If the date eligibility is established is the first working day of a month, insurance coverage begins on that date.

(i) Eligibility for an employee whose work circumstances are described by more than one of the eligibility categories in (a) through (e) of this subsection shall be determined solely by the criteria of the category that most closely describes the employee's work circumstances.

(j) Except for an employee eligible for benefits under (b) or (c)(ii) of this subsection, an employee who has established eligibility for benefits under this section shall remain eligible for benefits each month in which he or she is in pay status for eight or more hours, if (i) he or she remains in a benefits-eligible position and (ii) leave from the benefits-eligible position is approved by the employing agency. A benefits-eligible seasonal employee is eligible for the employer contribution in any month of his or her season in which he or she is in pay status eight or more hours during that month. Eligibility ends if these conditions are not met, the employment relationship is terminated, or the employee voluntarily transfers to a noneligible position.

(k) For the purposes of this subsection:

(i) "Academic year" means summer, fall, winter, and spring quarters or semesters;

(ii) "Half-time" means one-half of the full-time academic workload as determined by each institution, except that half-time for community and technical college faculty employees shall have the same meaning as "part-time" under RCW 28B.50.489;

(iii) "Benefits-eligible position" shall be defined by the board.

(5) The board may authorize premium contributions for an employee and the employee's dependents in a manner that encourages the use of cost-efficient managed health care systems.

(6)(a)(i) For any open enrollment period following August 24, 2011, the board shall offer a health savings account option for employees that conforms to section 223, Part VII of subchapter B of chapter 1 of the internal revenue code of 1986. The board shall comply with all applicable federal standards related to the establishment of health savings accounts.

(ii) As a pilot project, during the 2013 and 2014 plan years the board shall offer employees enrolled in a self-insured health plan the option to receive primary care services from a direct patient-provider primary care practice as provided in chapter 48.150

RCW. For any member enrolled in the option offered under this subsection (6)(a)(ii), the direct fee under RCW 48.150.010 shall be paid by the member's health plan at no additional cost to the member. For any plan year, the option offered under this subsection (6)(a)(ii) shall be limited by the board to enrollees who utilized at least twice the median value of care for a member during the first nine months of the prior plan year, except that a member who is already enrolled in the option may remain enrolled in subsequent years if the option is offered by the board. The board shall negotiate a direct fee that reflects the intensity of such care. Additionally, enrollment in the option offered under this subsection (6)(a)(ii) shall be limited to no more than two thousand members living in King and Pierce counties. The board shall use best efforts to inform and educate prospective plan enrollees on the existence and benefits of the option offered under this subsection (6)(a)(ii). These efforts shall include, but not be limited to, an invitation to direct patient-provider primary care practices eligible to participate in any plan offered under this subsection to participate in open enrollment meetings and other beneficiary communication methods. No later than November 1, 2014, the board shall submit a report to the legislature on the direct practice option offered under this subsection, describing the impact of the option on plan costs and the health of the members enrolled in the option.

(b) By November 30, 2015, and each year thereafter, the authority shall submit a report to the relevant legislative policy and fiscal committees that includes the following:

(i) Public employees' benefits board health plan cost and service utilization trends for the previous three years, in total and for each health plan offered to employees;

(ii) For each health plan offered to employees, the number and percentage of employees and dependents enrolled in the plan, and the age and gender demographics of enrollees in each plan;

(iii) Any impact of enrollment in alternatives to the most comprehensive plan, including the high deductible health plan with a health savings account, upon the cost of health benefits for those employees who have chosen to remain enrolled in the most comprehensive plan.

(7) Notwithstanding any other provision of this chapter, for any open enrollment period following August 24, 2011, the board shall offer a high deductible health plan in conjunction with a health savings account developed under subsection (6) of this section.

(8) Employees shall choose participation in one of the health care benefit plans developed by the board and may be permitted to waive coverage under terms and conditions established by the board.

(9) The board shall review plans proposed by insuring entities that desire to offer property insurance and/or accident and casualty insurance to state employees through payroll deduction. The board may approve any such plan for payroll deduction by insuring entities holding a valid certificate of authority in the state of Washington and which the board determines to be in the best interests of employees and the state. The board shall adopt rules setting forth criteria by which it shall evaluate the plans.

(10) Before January 1, 1998, the public employees' benefits board shall make available one or more fully insured long-term care insurance plans that comply with the requirements of chapter 48.84 RCW. Such programs shall be made available to eligible employees, retired employees, and retired school employees as well as eligible dependents which, for the purpose of this section, includes the parents of the employee or retiree and the parents of the spouse of the employee or retiree. Employees of local governments, political subdivisions, and tribal governments not otherwise enrolled in the public employees' benefits board sponsored medical programs may enroll under terms and conditions established by the administrator, if it does not jeopardize the

THIRTY SEVENTH DAY, FEBRUARY 14, 2012

2012 REGULAR SESSION

financial viability of the public employees' benefits board's long-term care offering.

(a) Participation of eligible employees or retired employees and retired school employees in any long-term care insurance plan made available by the public employees' benefits board is voluntary and shall not be subject to binding arbitration under chapter 41.56 RCW. Participation is subject to reasonable underwriting guidelines and eligibility rules established by the public employees' benefits board and the health care authority.

(b) The employee, retired employee, and retired school employee are solely responsible for the payment of the premium rates developed by the health care authority. The health care authority is authorized to charge a reasonable administrative fee in addition to the premium charged by the long-term care insurer, which shall include the health care authority's cost of administration, marketing, and consumer education materials prepared by the health care authority and the office of the insurance commissioner.

(c) To the extent administratively possible, the state shall establish an automatic payroll or pension deduction system for the payment of the long-term care insurance premiums.

(d) The public employees' benefits board and the health care authority shall establish a technical advisory committee to provide advice in the development of the benefit design and establishment of underwriting guidelines and eligibility rules. The committee shall also advise the board and authority on effective and cost-effective ways to market and distribute the long-term care product. The technical advisory committee shall be comprised, at a minimum, of representatives of the office of the insurance commissioner, providers of long-term care services, licensed insurance agents with expertise in long-term care insurance, employees, retired employees, retired school employees, and other interested parties determined to be appropriate by the board.

(e) The health care authority shall offer employees, retired employees, and retired school employees the option of purchasing long-term care insurance through licensed agents or brokers appointed by the long-term care insurer. The authority, in consultation with the public employees' benefits board, shall establish marketing procedures and may consider all premium components as a part of the contract negotiations with the long-term care insurer.

(f) In developing the long-term care insurance benefit designs, the public employees' benefits board shall include an alternative plan of care benefit, including adult day services, as approved by the office of the insurance commissioner.

(g) The health care authority, with the cooperation of the office of the insurance commissioner, shall develop a consumer education program for the eligible employees, retired employees, and retired school employees designed to provide education on the potential need for long-term care, methods of financing long-term care, and the availability of long-term care insurance products including the products offered by the board.

(11) The board may establish penalties to be imposed by the authority when the eligibility determinations of an employing agency fail to comply with the criteria under this chapter.

**Sec. 2.** RCW 48.150.010 and 2009 c 552 s 1 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Direct agreement" means a written agreement entered into between a direct practice and an individual direct patient, or the parent or legal guardian of the direct patient or a family of direct patients, whereby the direct practice charges a direct fee as consideration for being available to provide and providing primary care services to the individual direct patient. "Direct agreement" also means an agreement entered into by a direct practice to provide

primary care services to members enrolled in the option offered under RCW 41.05.065(6)(a)(ii) in exchange for a direct fee. A direct agreement must (a) describe the specific health care services the direct practice will provide; and (b) be terminable at will upon written notice by the direct patient.

(2) "Direct fee" means a fee charged by a direct practice as consideration for being available to provide and providing primary care services as specified in a direct agreement.

(3) "Direct patient" means a person who is party to a direct agreement and is entitled to receive primary care services under the direct agreement from the direct practice.

(4) "Direct patient-provider primary care practice" and "direct practice" means a provider, group, or entity that meets the following criteria in (a), (b), (c), and (d) of this subsection:

(a)(i) A health care provider who furnishes primary care services through a direct agreement;

(ii) A group of health care providers who furnish primary care services through a direct agreement; or

(iii) An entity that sponsors, employs, or is otherwise affiliated with a group of health care providers who furnish only primary care services through a direct agreement, which entity is wholly owned by the group of health care providers or is a nonprofit corporation exempt from taxation under section 501(c)(3) of the internal revenue code, and is not otherwise regulated as a health care service contractor, health maintenance organization, or disability insurer under Title 48 RCW. Such entity is not prohibited from sponsoring, employing, or being otherwise affiliated with other types of health care providers not engaged in a direct practice;

(b) Enters into direct agreements with direct patients or parents or legal guardians of direct patients;

(c) Does not accept payment for health care services provided to direct patients from any entity subject to regulation under Title 48 RCW or plans administered under chapter 41.05, 70.47, or 70.47A RCW, except for direct fees paid on behalf of direct patients enrolled in the option offered under RCW 41.05.065(6)(a)(ii); and

(d) Does not provide, in consideration for the direct fee, services, procedures, or supplies such as prescription drugs, hospitalization costs, major surgery, dialysis, high level radiology (CT, MRI, PET scans or invasive radiology), rehabilitation services, procedures requiring general anesthesia, or similar advanced procedures, services, or supplies.

(5) "Health care provider" or "provider" means a person regulated under Title 18 RCW or chapter 70.127 RCW to practice health or health-related services or otherwise practicing health care services in this state consistent with state law.

(6) "Health carrier" or "carrier" has the same meaning as in RCW 48.43.005.

(7) "Network" means the group of participating providers and facilities providing health care services to a particular health carrier's health plan or to plans administered under chapter 41.05, 70.47, or 70.47A RCW.

(8) "Primary care" means routine health care services, including screening, assessment, diagnosis, and treatment for the purpose of promotion of health, and detection and management of disease or injury.

**Sec. 3.** RCW 48.150.030 and 2007 c 267 s 5 are each amended to read as follows:

(1) A direct practice must charge a direct fee on a monthly basis. The fee must represent the total amount due for all primary care services specified in the direct agreement and may be paid by the direct patient or on his or her behalf by others.

(2) A direct practice must:

(a) Maintain appropriate accounts and provide data regarding payments made and services received to direct patients upon request; and

(b) Either:

(i) Bill patients at the end of each monthly period; or

(ii) If the patient pays the monthly fee in advance, promptly refund to the direct patient all unearned direct fees following receipt of written notice of termination of the direct agreement from the direct patient. The amount of the direct fee considered earned shall be a proration of the monthly fee as of the date the notice of termination is received.

(3) If the patient chooses to pay more than one monthly direct fee in advance, the funds must be held in a trust account and paid to the direct practice as earned at the end of each month. Any unearned direct fees held in trust following receipt of termination of the direct agreement shall be promptly refunded to the direct patient. The amount of the direct fee earned shall be a proration of the monthly fee for the then current month as of the date the notice of termination is received.

(4) The direct fee schedule applying to an existing direct patient may not be increased over the annual negotiated amount more frequently than annually. A direct practice shall provide advance notice to existing patients of any change within the fee schedule applying to those existing direct patients. A direct practice shall provide at least sixty days' advance notice of any change in the fee.

(5) A direct practice must designate a contact person to receive and address any patient complaints.

(6) Direct fees for comparable services within a direct practice shall not vary from patient to patient based on health status or sex. Direct fees paid on behalf of direct patients enrolled in the option offered under RCW 41.05.065(6)(a)(ii) in which enrollment is limited to enrollees who utilize substantially more health care services than average may vary to reflect the intensity of services used."

Senator Brown spoke in favor of adoption of the striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the striking amendment by Senator Brown to Senate Bill No. 6589.

The motion by Senator Brown carried and the striking amendment was adopted by voice vote.

#### MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "employees;" strike the remainder of the title and insert "amending RCW 41.05.065 and 48.150.030; and reenacting and amending RCW 48.150.010."

#### MOTION

On motion of Senator Kastama, the rules were suspended, Engrossed Senate Bill No. 6589 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kastama, Keiser and Becker spoke in favor of passage of the bill.

Senator Pflug spoke on final passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6589.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6589 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 8; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Ericksen, Fain, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Litzow, Morton, Murray, Padden, Parlette, Prentice, Pridemore, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Eide, Fraser, Kline, Kohl-Welles, McAuliffe, Nelson, Pflug and Ranker

ENGROSSED SENATE BILL NO. 6589, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6470, by Senators McAuliffe and Chase

Authorizing benefit charges for the enhancement of fire protection services.

#### MOTION

On motion of Senator McAuliffe, Substitute Senate Bill No. 6470 was substituted for Senate Bill No. 6470 and the substitute bill was placed on the second reading and read the second time.

#### MOTION

Senator Delvin moved that the following amendment by Senators Delvin and McAuliffe be adopted:

On page 2, line 6, after "35.82.210" insert ", 84.36.030(3)"

Renumber the remaining sections consecutively and correct any internal references accordingly.

Senators Delvin and McAuliffe spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Delvin and McAuliffe on page 2, line 6 to Substitute Senate Bill No. 6470.

The motion by Senator Delvin carried and the amendment was adopted by voice vote.

#### MOTION

On motion of Senator McAuliffe, the rules were suspended, Engrossed Substitute Senate Bill No. 6470 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator McAuliffe spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6470.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6470 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 15; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Chase, Conway, Delvin, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Kastama, Keiser, Kilmer, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Prentice,

THIRTY SEVENTH DAY, FEBRUARY 14, 2012

Pridemore, Ranker, Regala, Rolfes, Sheldon, Shin, Swecker and Tom

Voting nay: Senators Baumgartner, Becker, Benton, Carrell, Ericksen, Holmquist Newbry, Honeyford, King, Padden, Parlette, Pflug, Roach, Schoesler, Stevens and Zarelli

ENGROSSED SUBSTITUTE SENATE BILL NO. 6470, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6167, by Senators Kohl-Welles, Padden, Roach and Chase

Regarding criminal identification system information for entities providing emergency shelter, interim housing, or transitional housing. Revised for 1st Substitute: Regarding dissemination of criminal identification system information.

#### MOTIONS

On motion of Senator Kohl-Welles, Substitute Senate Bill No. 6167 was substituted for Senate Bill No. 6167 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kohl-Welles, the rules were suspended, Substitute Senate Bill No. 6167 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles and Padden spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6167.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6167 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Swecker, Tom and Zarelli

Voting nay: Senators Holmquist Newbry and Stevens

SUBSTITUTE SENATE BILL NO. 6167, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The President assumed the chair.

#### SECOND READING

SENATE BILL NO. 6523, by Senators Honeyford and Fraser

Concerning resident curators of state properties.

The measure was read the second time.

#### MOTION

2012 REGULAR SESSION

On motion of Senator Honeyford, the rules were suspended, Senate Bill No. 6523 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Honeyford and Pridemore spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6523.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6523 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

SENATE BILL NO. 6523, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5381, by Senators Prentice and Regala

Adjusting voting requirements for emergency medical service levies. Revised for 1st Substitute: Adjusting voting requirements for the renewal of emergency medical service levies.

#### MOTIONS

On motion of Senator Prentice, Substitute Senate Bill No. 5381 was substituted for Senate Bill No. 5381 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Prentice, the rules were suspended, Substitute Senate Bill No. 5381 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5381.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5381 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 17; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Chase, Conway, Delvin, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hill, Hobbs, Kastama, Keiser, Kilmer, Kline, Kohl-Welles, Litzow, McAuliffe, Murray, Nelson, Prentice, Pridemore, Ranker, Regala, Rolfes, Sheldon, Shin, Swecker and Tom

Voting nay: Senators Baumgartner, Becker, Benton, Carrell, Ericksen, Hewitt, Holmquist Newbry, Honeyford, King, Morton, Padden, Parlette, Pflug, Roach, Schoesler, Stevens and Zarelli

SUBSTITUTE SENATE BILL NO. 5381, having received the constitutional majority, was declared passed. There being no

objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5991, by Senators Kohl-Welles, Carrell, Tom, Hill, Hargrove, Conway, Haugen, Fraser, Litzow, Kline, Fain, Roach and Frockt

Extending mandatory child abuse reporting requirements to specified employees of institutions of higher education.

## MOTION

On motion of Senator Kohl-Welles, Substitute Senate Bill No. 5991 was substituted for Senate Bill No. 5991 and the substitute bill was placed on the second reading and read the second time.

## MOTION

Senator Kohl-Welles moved that the following striking amendment by Senator Kohl-Welles and others be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 26.44.030 and 2009 c 480 s 1 are each amended to read as follows:

(1)(a) When any practitioner, county coroner or medical examiner, law enforcement officer, professional school personnel, registered or licensed nurse, social service counselor, psychologist, pharmacist, employee of the department of early learning, licensed or certified child care providers or their employees, employee of the department, juvenile probation officer, placement and liaison specialist, responsible living skills program staff, HOPE center staff, or state family and children's ombudsman or any volunteer in the ombudsman's office has reasonable cause to believe that a child has suffered abuse or neglect, he or she shall report such incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040.

(b) When any person, in his or her official supervisory capacity with a nonprofit or for-profit organization, has reasonable cause to believe that a child has suffered abuse or neglect caused by a person over whom he or she regularly exercises supervisory authority, he or she shall report such incident, or cause a report to be made, to the proper law enforcement agency, provided that the person alleged to have caused the abuse or neglect is employed by, contracted by, or volunteers with the organization and coaches, trains, educates, or counsels a child or children or regularly has unsupervised access to a child or children as part of the employment, contract, or voluntary service. No one shall be required to report under this section when he or she obtains the information solely as a result of a privileged communication as provided in RCW 5.60.060.

Nothing in this subsection (1)(b) shall limit a person's duty to report under (a) of this subsection.

For the purposes of this subsection, the following definitions apply:

(i) "Official supervisory capacity" means a position, status, or role created, recognized, or designated by any nonprofit or for-profit organization, either for financial gain or without financial gain, whose scope includes, but is not limited to, overseeing, directing, or managing another person who is employed by, contracted by, or volunteers with the nonprofit or for-profit organization.

(ii) "Regularly exercises supervisory authority" means to act in his or her official supervisory capacity on an ongoing or continuing basis with regards to a particular person.

(c) The reporting requirement also applies to department of corrections personnel who, in the course of their employment, observe offenders or the children with whom the offenders are in contact. If, as a result of observations or information received in the course of his or her employment, any department of corrections personnel has reasonable cause to believe that a child has suffered abuse or neglect, he or she shall report the incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040.

(d) The reporting requirement shall also apply to any adult who has reasonable cause to believe that a child who resides with them, has suffered severe abuse, and is able or capable of making a report. For the purposes of this subsection, "severe abuse" means any of the following: Any single act of abuse that causes physical trauma of sufficient severity that, if left untreated, could cause death; any single act of sexual abuse that causes significant bleeding, deep bruising, or significant external or internal swelling; or more than one act of physical abuse, each of which causes bleeding, deep bruising, significant external or internal swelling, bone fracture, or unconsciousness.

(e) The reporting requirement also applies to guardians ad litem, including court-appointed special advocates, appointed under Titles 11, 13, and 26 RCW, who in the course of their representation of children in these actions have reasonable cause to believe a child has been abused or neglected.

(f) The reporting requirement in (a) of this subsection also applies to administrative and academic or athletic department employees, including student employees, of institutions of higher education, as defined in RCW 28B.10.016, and of private institutions of higher education.

(g) The report must be made at the first opportunity, but in no case longer than forty-eight hours after there is reasonable cause to believe that the child has suffered abuse or neglect. The report must include the identity of the accused if known.

(2) The reporting requirement of subsection (1) of this section does not apply to the discovery of abuse or neglect that occurred during childhood if it is discovered after the child has become an adult. However, if there is reasonable cause to believe other children are or may be at risk of abuse or neglect by the accused, the reporting requirement of subsection (1) of this section does apply.

(3) Any other person who has reasonable cause to believe that a child has suffered abuse or neglect may report such incident to the proper law enforcement agency or to the department of social and health services as provided in RCW 26.44.040.

(4) The department, upon receiving a report of an incident of alleged abuse or neglect pursuant to this chapter, involving a child who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means or who has been subjected to alleged sexual abuse, shall report such incident to the proper law enforcement agency. In emergency cases, where the child's welfare is endangered, the department shall notify the proper law enforcement agency within twenty-four hours after a report is received by the department. In all other cases, the department shall notify the law enforcement agency within seventy-two hours after a report is received by the department. If the department makes an oral report, a written report must also be made to the proper law enforcement agency within five days thereafter.

(5) Any law enforcement agency receiving a report of an incident of alleged abuse or neglect pursuant to this chapter, involving a child who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means, or who has been subjected to alleged sexual abuse, shall report such incident in writing as provided in RCW 26.44.040 to the proper county prosecutor or city attorney for appropriate action whenever the law enforcement agency's investigation reveals that a crime may have been committed. The law enforcement agency shall also notify the

THIRTY SEVENTH DAY, FEBRUARY 14, 2012

2012 REGULAR SESSION

department of all reports received and the law enforcement agency's disposition of them. In emergency cases, where the child's welfare is endangered, the law enforcement agency shall notify the department within twenty-four hours. In all other cases, the law enforcement agency shall notify the department within seventy-two hours after a report is received by the law enforcement agency.

(6) Any county prosecutor or city attorney receiving a report under subsection (5) of this section shall notify the victim, any persons the victim requests, and the local office of the department, of the decision to charge or decline to charge a crime, within five days of making the decision.

(7) The department may conduct ongoing case planning and consultation with those persons or agencies required to report under this section, with consultants designated by the department, and with designated representatives of Washington Indian tribes if the client information exchanged is pertinent to cases currently receiving child protective services. Upon request, the department shall conduct such planning and consultation with those persons required to report under this section if the department determines it is in the best interests of the child. Information considered privileged by statute and not directly related to reports required by this section must not be divulged without a valid written waiver of the privilege.

(8) Any case referred to the department by a physician licensed under chapter 18.57 or 18.71 RCW on the basis of an expert medical opinion that child abuse, neglect, or sexual assault has occurred and that the child's safety will be seriously endangered if returned home, the department shall file a dependency petition unless a second licensed physician of the parents' choice believes that such expert medical opinion is incorrect. If the parents fail to designate a second physician, the department may make the selection. If a physician finds that a child has suffered abuse or neglect but that such abuse or neglect does not constitute imminent danger to the child's health or safety, and the department agrees with the physician's assessment, the child may be left in the parents' home while the department proceeds with reasonable efforts to remedy parenting deficiencies.

(9) Persons or agencies exchanging information under subsection (7) of this section shall not further disseminate or release the information except as authorized by state or federal statute. Violation of this subsection is a misdemeanor.

(10) Upon receiving a report of alleged abuse or neglect, the department shall make reasonable efforts to learn the name, address, and telephone number of each person making a report of abuse or neglect under this section. The department shall provide assurances of appropriate confidentiality of the identification of persons reporting under this section. If the department is unable to learn the information required under this subsection, the department shall only investigate cases in which:

(a) The department believes there is a serious threat of substantial harm to the child;

(b) The report indicates conduct involving a criminal offense that has, or is about to occur, in which the child is the victim; or

(c) The department has a prior founded report of abuse or neglect with regard to a member of the household that is within three years of receipt of the referral.

(11)(a) For reports of alleged abuse or neglect that are accepted for investigation by the department, the investigation shall be conducted within time frames established by the department in rule. In no case shall the investigation extend longer than ninety days from the date the report is received, unless the investigation is being conducted under a written protocol pursuant to RCW 26.44.180 and a law enforcement agency or prosecuting attorney has determined that a longer investigation period is necessary. At the completion

of the investigation, the department shall make a finding that the report of child abuse or neglect is founded or unfounded.

(b) If a court in a civil or criminal proceeding, considering the same facts or circumstances as are contained in the report being investigated by the department, makes a judicial finding by a preponderance of the evidence or higher that the subject of the pending investigation has abused or neglected the child, the department shall adopt the finding in its investigation.

(12) In conducting an investigation of alleged abuse or neglect, the department or law enforcement agency:

(a) May interview children. The interviews may be conducted on school premises, at day-care facilities, at the child's home, or at other suitable locations outside of the presence of parents. Parental notification of the interview must occur at the earliest possible point in the investigation that will not jeopardize the safety or protection of the child or the course of the investigation. Prior to commencing the interview the department or law enforcement agency shall determine whether the child wishes a third party to be present for the interview and, if so, shall make reasonable efforts to accommodate the child's wishes. Unless the child objects, the department or law enforcement agency shall make reasonable efforts to include a third party in any interview so long as the presence of the third party will not jeopardize the course of the investigation; and

(b) Shall have access to all relevant records of the child in the possession of mandated reporters and their employees.

(13) If a report of alleged abuse or neglect is founded and constitutes the third founded report received by the department within the last twelve months involving the same child or family, the department shall promptly notify the office of the family and children's ombudsman of the contents of the report. The department shall also notify the ombudsman of the disposition of the report.

(14) In investigating and responding to allegations of child abuse and neglect, the department may conduct background checks as authorized by state and federal law.

(15) The department shall maintain investigation records and conduct timely and periodic reviews of all founded cases of abuse and neglect. The department shall maintain a log of screened-out nonabusive cases.

(16) The department shall use a risk assessment process when investigating alleged child abuse and neglect referrals. The department shall present the risk factors at all hearings in which the placement of a dependent child is an issue. Substance abuse must be a risk factor. The department shall, within funds appropriated for this purpose, offer enhanced community-based services to persons who are determined not to require further state intervention.

(17) Upon receipt of a report of alleged abuse or neglect the law enforcement agency may arrange to interview the person making the report and any collateral sources to determine if any malice is involved in the reporting.

(18) Upon receiving a report of alleged abuse or neglect involving a child under the court's jurisdiction under chapter 13.34 RCW, the department shall promptly notify the child's guardian ad litem of the report's contents. The department shall also notify the guardian ad litem of the disposition of the report. For purposes of this subsection, "guardian ad litem" has the meaning provided in RCW 13.34.030.

**NEW SECTION. Sec. 2.** A new section is added to chapter 28B.10 RCW to read as follows:

(1)(a) All employees of institutions of higher education, not considered academic or athletic department employees, who have reasonable cause to believe a child has suffered abuse or neglect, must report such abuse or neglect immediately to the appropriate administrator or supervisor, as designated by the institution. The administrator or supervisor to whom the report was made, if not

already a mandatory reporter under RCW 26.44.030, must report the abuse or neglect within forty-eight hours to a mandatory reporter designated by the institution for this purpose.

(b) For purposes of this section, "child" has the same meaning as in RCW 26.44.020(2).

(c) For purposes of this section, "abuse or neglect" has the same meaning as in RCW 26.44.020(1).

(2) Institutions of higher education must ensure that the employees covered by the provisions of RCW 26.44.030 and subsection (1)(a) of this section have knowledge of their reporting responsibilities through whatever means are most likely to succeed in providing this information to affected employees."

Senator Kohl-Welles spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Kohl-Welles and others to Substitute Senate Bill No. 5991.

The motion by Senator Kohl-Welles carried and the striking amendment was adopted by voice vote.

#### MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "neglect;" strike the remainder of the title and insert "amending RCW 26.44.030; and adding a new section to chapter 28B.10 RCW."

#### MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Engrossed Substitute Senate Bill No. 5991 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kohl-Welles spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5991.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5991 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

ENGROSSED SUBSTITUTE SENATE BILL NO. 5991, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6215, by Senators Frockt, Kline, Nelson, Kohl-Welles and Conway

Establishing an optional transportation benefit district rebate program for low-income individuals.

The measure was read the second time.

#### MOTION

Senator King moved that the following striking amendment by Senators King and Frockt be adopted:

Strike everything after the enacting clause and insert the following:

**Sec. 1.** RCW 36.73.015 and 2010 c 251 s 2 and 2010 c 105 s 1 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "City" means a city or town.

(2) "District" means a transportation benefit district created under this chapter.

(3) "Low-income" means household income that is at or below forty-five percent of the median household income, adjusted for household size, for the district in which the fees, taxes, or tolls were imposed.

(4) "Rebate program" means an optional program established by a transportation benefit district that includes a city with a population of five hundred thousand persons or more for the purpose of providing rebates to low-income individuals for fees, taxes, and/or tolls imposed by such transportation benefit district for: (a) Vehicle fees imposed under RCW 36.73.040(3)(b); (b) sales and use taxes imposed under RCW 36.73.040(3)(a); and/or (c) tolls imposed under RCW 36.73.040(3)(d).

(5) "Supplemental transportation improvement" or "supplemental improvement" means any project, work, or undertaking to provide public transportation service, in addition to a district's existing or planned voter-approved transportation improvements, proposed by a participating city member of the district under RCW 36.73.180.

~~((4))~~ (6) "Transportation improvement" means a project contained in the transportation plan of the state, a regional transportation planning organization, city, county, or eligible jurisdiction as identified in RCW 36.73.020(2). A project may include investment in new or existing highways of statewide significance, principal arterials of regional significance, high capacity transportation, public transportation, and other transportation projects and programs of regional or statewide significance including transportation demand management. Projects may also include the operation, preservation, and maintenance of these facilities or programs.

**NEW SECTION. Sec. 2.** A new section is added to chapter 36.73 RCW to read as follows:

(1) A district that: (a) includes a city with a population of five hundred thousand persons or more; and (b) imposes a vehicle fee under RCW 36.73.040(3)(b), sales and use taxes under RCW 36.73.040(3)(a), or tolls under RCW 36.73.040(3)(d), may establish a rebate program for the purposes of providing rebates of up to forty percent of the actual fee, tax, or toll paid by a low-income individual.

(2) Funds collected from a vehicle fee under RCW 36.73.040(3)(b), sales and use tax under RCW 36.73.040(3)(a) or tolls under RCW 36.73.040(3)(d) may be used for a rebate program established under this section.

(3) A district that establishes a rebate program is responsible for the development and administration of the program and all functions and costs associated with the rebate program.

(4) A district that establishes a rebate program under this section must report back to the legislature two years after the program takes effect. The report must include, but is not limited to, a detailed description of the structure of the program, the average rebate, the

THIRTY SEVENTH DAY, FEBRUARY 14, 2012

2012 REGULAR SESSION

total amount of rebates issued, and the number of people that received rebates.

Senators Zarelli and Benton spoke against passage of the bill.

**Sec. 3.** RCW 36.73.065 and 2007 c 329 s 1 are each amended to read as follows:

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6215.

(1) Except as provided in subsection (4) of this section, taxes, fees, charges, and tolls may not be imposed by a district without approval of a majority of the voters in the district voting on a proposition at a general or special election. The proposition must include a specific description of: (a) The transportation improvement or improvements proposed by the district; (b) any rebate program proposed to be established under section 3 of this act; and (c) the proposed taxes, fees, charges, and the range of tolls imposed by the district to raise revenue to fund the improvement or improvements or rebate program, as applicable.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6215 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 20; Absent, 0; Excused, 0.

(2) Voter approval under this section ~~((shall))~~ must be accorded substantial weight regarding the validity of a transportation improvement as defined in RCW 36.73.015.

Voting yea: Senators Brown, Chase, Conway, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hobbs, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Murray, Nelson, Prentice, Pridemore, Ranker, Regala, Rolfes, Shin and Tom

(3) A district may not increase any taxes, fees, charges, or range of tolls imposed or change a rebate program under this chapter once the taxes, fees, charges, ~~((or))~~ tolls, or rebate program takes effect, unless authorized by the district voters pursuant to RCW 36.73.160.

Voting nay: Senators Baumgartner, Becker, Benton, Carrell, Delvin, Ericksen, Hewitt, Hill, Holmquist Newbry, Honeyford, Morton, Padden, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli

ENGROSSED SENATE BILL NO. 6215, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

(4)(a) A district that includes all the territory within the boundaries of the jurisdiction, or jurisdictions, establishing the district may impose by a majority vote of the governing board of the district the following fees and charges:

SECOND READING

SENATE BILL NO. 6508, by Senator Pridemore

(i) Up to twenty dollars of the vehicle fee authorized in RCW 82.80.140; or

Authorizing waivers from certain DSHS overpayment recovery efforts.

(ii) A fee or charge in accordance with RCW 36.73.120.

MOTIONS

(b) The vehicle fee authorized in (a) of this subsection may only be imposed for a passenger-only ferry transportation improvement if the vehicle fee is first approved by a majority of the voters within the jurisdiction of the district.

On motion of Senator Pridemore, Substitute Senate Bill No. 6508 was substituted for Senate Bill No. 6508 and the substitute bill was placed on the second reading and read the second time.

(c)(i) A district solely comprised of a city or cities shall not impose the fees or charges identified in (a) of this subsection within one hundred eighty days after July 22, 2007, unless the county in which the city or cities reside, by resolution, declares that it will not impose the fees or charges identified in (a) of this subsection within the one hundred eighty-day period; or

On motion of Senator Pridemore, the rules were suspended, Substitute Senate Bill No. 6508 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

(ii) A district solely comprised of a city or cities identified in RCW 36.73.020(6)(b) ~~((shall))~~ may not impose the fees or charges until after May 22, 2008, unless the county in which the city or cities reside, by resolution, declares that it will not impose the fees or charges identified in (a) of this subsection through May 22, 2008.

Senator Pridemore spoke in favor of passage of the bill.

Senator Padden spoke against passage of the bill.

(5) If the interlocal agreement in RCW 82.80.140(2)(a) cannot be reached, a district that includes only the unincorporated territory of a county may impose by a majority vote of the governing body of the district up to twenty dollars of the vehicle fee authorized in RCW 82.80.140."

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6508.

ROLL CALL

Senators King and Frockt spoke in favor of adoption of the striking amendment.

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6508 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 18; Absent, 0; Excused, 0.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators King and Frockt to Senate Bill No. 6215.

Voting yea: Senators Baumgartner, Brown, Chase, Conway, Eide, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hobbs, Kastama, Keiser, Kilmer, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Pflug, Prentice, Pridemore, Ranker, Regala, Rolfes, Shin, Stevens and Tom

The motion by Senator King carried and the striking amendment was adopted by voice vote.

Voting nay: Senators Becker, Benton, Carrell, Delvin, Ericksen, Fain, Hewitt, Hill, Holmquist Newbry, Honeyford, King, Padden, Parlette, Roach, Schoesler, Sheldon, Swecker and Zarelli

MOTION

On motion of Senator Frockt, the rules were suspended, Engrossed Senate Bill No. 6215 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

SUBSTITUTE SENATE BILL NO. 6508, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Senators Frockt, King and Murray spoke in favor of passage of the bill.

## SECOND READING

SENATE BILL NO. 5895, by Senator Murray

Relating to education. Revised for 1st Substitute: Regarding certificated employee evaluations.

## MOTION

On motion of Senator Eide, Substitute Senate Bill No. 5895 was substituted for Senate Bill No. 5895 and the substitute bill was placed on the second reading and read the second time.

## MOTION

Senator Eide moved that the following striking amendment by Senator McAuliffe and others be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28A.405.100 and 2010 c 235 s 202 are each amended to read as follows:

(1)(a) Except as provided in subsection (2) of this section, the superintendent of public instruction shall establish and may amend from time to time minimum criteria for the evaluation of the professional performance capabilities and development of certificated classroom teachers and certificated support personnel. For classroom teachers the criteria shall be developed in the following categories: Instructional skill; classroom management, professional preparation and scholarship; effort toward improvement when needed; the handling of student discipline and attendant problems; and interest in teaching pupils and knowledge of subject matter.

(b) Every board of directors shall, in accordance with procedure provided in RCW 41.59.010 through 41.59.170, 41.59.910, and 41.59.920, establish evaluative criteria and procedures for all certificated classroom teachers and certificated support personnel. The evaluative criteria must contain as a minimum the criteria established by the superintendent of public instruction pursuant to this section and must be prepared within six months following adoption of the superintendent of public instruction's minimum criteria. The district must certify to the superintendent of public instruction that evaluative criteria have been so prepared by the district.

(2)(a) Pursuant to the implementation schedule established in subsection (7)~~((b))~~ (c) of this section, every board of directors shall, in accordance with procedures provided in RCW 41.59.010 through 41.59.170, 41.59.910, and 41.59.920, establish revised evaluative criteria and a four-level rating system for all certificated classroom teachers.

(b) The minimum criteria shall include: (i) Centering instruction on high expectations for student achievement; (ii) demonstrating effective teaching practices; (iii) recognizing individual student learning needs and developing strategies to address those needs; (iv) providing clear and intentional focus on subject matter content and curriculum; (v) fostering and managing a safe, positive learning environment; (vi) using multiple student data elements to modify instruction and improve student learning; (vii) communicating and collaborating with parents and ~~((the))~~ the school community; and (viii) exhibiting collaborative and collegial practices focused on improving instructional practice and student learning. Student growth data must be a substantial factor in evaluating the summative performance of certificated classroom teachers for at least three of the evaluation criteria listed in this subsection.

(c) The four-level rating system used to evaluate the certificated classroom teacher must describe performance along a continuum

that indicates the extent to which the criteria have been met or exceeded. ~~((When))~~ The summative performance ratings shall be as follows: Level 1 - unsatisfactory; level 2 - basic; level 3 - proficient; and level 4 - distinguished. A classroom teacher shall receive one of the four summative performance ratings for each of the minimum criteria in (b) of this subsection and one of the four summative performance ratings for the evaluation as a whole, which shall be the comprehensive summative evaluation performance rating. By December 1, 2012, the superintendent of public instruction must adopt rules prescribing a common method for calculating the comprehensive summative evaluation performance rating for each of the preferred instructional frameworks, including for a focused evaluation under subsection (12) of this section, giving appropriate weight to the indicators evaluated under each criteria and maximizing rater agreement among the frameworks.

~~(d) By December 1, 2012, the superintendent of public instruction shall adopt rules that provide descriptors for each of the summative performance ratings, based on the development work of pilot school districts under subsection (7) of this section. Any subsequent changes to the descriptors by the superintendent may only be made following consultation with a group broadly reflective of the parties represented in subsection (7)(a) of this section.~~

~~(e) By September 1, 2012, the superintendent of public instruction shall identify up to three preferred instructional frameworks that support the revised evaluation system. The instructional frameworks shall be research-based and establish definitions or rubrics for each of the four summative performance ratings for each evaluation criteria. Each school district must adopt one of the preferred instructional frameworks and post the selection on the district's web site. The superintendent of public instruction shall establish a process for approving minor modifications or adaptations to a preferred instructional framework that may be proposed by a school district.~~

~~(f) Student growth data((, if available and)) that is relevant to the teacher and subject matter((, is referenced)) must be a factor in the evaluation process ((#) and must be based on multiple measures that can include classroom-based, school-based, district-based, and state-based tools. Student growth data elements may include the teacher's performance as a member of a grade-level, subject matter, or other instructional team within a school when the use of this data is relevant and appropriate. Student growth data elements may also include the teacher's performance as a member of the overall instructional team of a school when use of this data is relevant and appropriate. As used in this subsection, "student growth" means the change in student achievement between two points in time.~~

~~(g) Student input may also be included in the evaluation process.~~

~~(3)(a) Except as provided in subsection ~~((40))~~ (11) of this section, it shall be the responsibility of a principal or his or her designee to evaluate all certificated personnel in his or her school. During each school year all classroom teachers and certificated support personnel shall be observed for the purposes of evaluation at least twice in the performance of their assigned duties. Total observation time for each employee for each school year shall be not less than sixty minutes. An employee in the third year of provisional status as defined in RCW 28A.405.220 shall be observed at least three times in the performance of his or her duties and the total observation time for the school year shall not be less than ninety minutes. Following each observation, or series of observations, the principal or other evaluator shall promptly document the results of the observation in writing, and shall provide the employee with a copy thereof within three days after such report is prepared. New employees shall be observed at least once for a total observation time of thirty minutes during the first ninety calendar days of their employment period.~~

THIRTY SEVENTH DAY, FEBRUARY 14, 2012

2012 REGULAR SESSION

(b) As used in this subsection and subsection (4) of this section, "employees" means classroom teachers and certificated support personnel except where otherwise specified.

(4)(a) At any time after October 15th, an employee whose work is not judged satisfactory based on district evaluation criteria shall be notified in writing of the specific areas of deficiencies along with a reasonable program for improvement. For classroom teachers who have been transitioned to the revised evaluation system pursuant to the district implementation schedule adopted under subsection (7)(c) of this section, the following comprehensive summative evaluation performance ratings based on the evaluation criteria in subsection (2)(b) of this section mean a classroom teacher's work is not judged satisfactory:

(i) Level 1; or

(ii) Level 2 if the classroom teacher is a continuing contract employee under RCW 28A.405.210 with more than five years of teaching experience and if the level 2 comprehensive summative evaluation performance rating has been received for two consecutive years or for two years within a consecutive three-year time period.

(b) During the period of probation, the employee may not be transferred from the supervision of the original evaluator. Improvement of performance or probable cause for nonrenewal must occur and be documented by the original evaluator before any consideration of a request for transfer or reassignment as contemplated by either the individual or the school district. A probationary period of sixty school days shall be established. Days may be added if deemed necessary to complete a program for improvement and evaluate the probationer's performance, as long as the probationary period is concluded before May 15th of the same school year. The probationary period may be extended into the following school year if the probationer has five or more years of teaching experience and has a comprehensive summative evaluation performance rating as of May 15th of less than level 2. The establishment of a probationary period does not adversely affect the contract status of an employee within the meaning of RCW 28A.405.300. The purpose of the probationary period is to give the employee opportunity to demonstrate improvements in his or her areas of deficiency. The establishment of the probationary period and the giving of the notice to the employee of deficiency shall be by the school district superintendent and need not be submitted to the board of directors for approval. During the probationary period the evaluator shall meet with the employee at least twice monthly to supervise and make a written evaluation of the progress, if any, made by the employee. The evaluator may authorize one additional certificated employee to evaluate the probationer and to aid the employee in improving his or her areas of deficiency(~~);~~). Should the evaluator not authorize such additional evaluator, the probationer may request that an additional certificated employee evaluator become part of the probationary process and this request must be implemented by including an additional experienced evaluator assigned by the educational service district in which the school district is located and selected from a list of evaluation specialists compiled by the educational service district. Such additional certificated employee shall be immune from any civil liability that might otherwise be incurred or imposed with regard to the good faith performance of such evaluation. If a procedural error occurs in the implementation of a program for improvement, the error does not invalidate the probationer's plan for improvement or evaluation activities unless the error materially affects the effectiveness of the plan or the ability to evaluate the probationer's performance. The probationer (~~may~~) must be removed from probation if he or she has demonstrated improvement to the satisfaction of the (~~principal~~) evaluator in those areas specifically detailed in his or her initial notice of deficiency and subsequently

detailed in his or her (~~improvement~~) program for improvement. A classroom teacher who has been transitioned to the revised evaluation system pursuant to the district implementation schedule adopted under subsection (7)(c) of this section must be removed from probation if he or she has demonstrated improvement that results in a new comprehensive summative evaluation performance rating of level 2 or above for a provisional employee or a continuing contract employee with five or fewer years of experience, or of level 3 or above for a continuing contract employee with more than five years of experience. Lack of necessary improvement during the established probationary period, as specifically documented in writing with notification to the probationer (~~and shall~~) constitutes grounds for a finding of probable cause under RCW 28A.405.300 or 28A.405.210.

(~~(b)~~) (c) When a continuing contract employee with five or more years of experience receives a comprehensive summative evaluation performance rating below level 2 for two consecutive years, the school district shall, within ten days of the completion of the second summative comprehensive evaluation or May 15th, whichever occurs first, implement the employee notification of discharge as provided in RCW 28A.405.300.

(d) Immediately following the completion of a probationary period that does not produce performance changes detailed in the initial notice of deficiencies and (~~improvement~~) program for improvement, the employee may be removed from his or her assignment and placed into an alternative assignment for the remainder of the school year. In the case of a classroom teacher who has been transitioned to the revised evaluation system pursuant to the district implementation schedule adopted under subsection (7)(c) of this section, the teacher may be removed from his or her assignment and placed into an alternative assignment for the remainder of the school year immediately following the completion of a probationary period that does not result in the required comprehensive summative evaluation performance ratings specified in (b) of this subsection. This reassignment may not displace another employee nor may it adversely affect the probationary employee's compensation or benefits for the remainder of the employee's contract year. If such reassignment is not possible, the district may, at its option, place the employee on paid leave for the balance of the contract term.

(5) Every board of directors shall establish evaluative criteria and procedures for all superintendents, principals, and other administrators. It shall be the responsibility of the district superintendent or his or her designee to evaluate all administrators. Except as provided in subsection (6) of this section, such evaluation shall be based on the administrative position job description. Such criteria, when applicable, shall include at least the following categories: Knowledge of, experience in, and training in recognizing good professional performance, capabilities and development; school administration and management; school finance; professional preparation and scholarship; effort toward improvement when needed; interest in pupils, employees, patrons and subjects taught in school; leadership; and ability and performance of evaluation of school personnel.

(6)(a) Pursuant to the implementation schedule established by subsection (7)(b) of this section, every board of directors shall establish revised evaluative criteria and a four-level rating system for principals.

(b) The minimum criteria shall include: (i) Creating a school culture that promotes the ongoing improvement of learning and teaching for students and staff; (ii) demonstrating commitment to closing the achievement gap; (iii) providing for school safety; (iv) leading the development, implementation, and evaluation of a data-driven plan for increasing student achievement, including the use of multiple student data elements; (v) assisting instructional staff

with alignment of curriculum, instruction, and assessment with state and local district learning goals; (vi) monitoring, assisting, and evaluating effective instruction and assessment practices; (vii) managing both staff and fiscal resources to support student achievement and legal responsibilities; and (viii) partnering with the school community to promote student learning. Student growth data must be a substantial factor in evaluating the summative performance of the principal for at least three of the evaluation criteria listed in this subsection.

(c) The four-level rating system used to evaluate the principal must describe performance along a continuum that indicates the extent to which the criteria have been met or exceeded. ~~(When available.)~~ The summative performance ratings shall be as follows: Level 1 -unsatisfactory; level 2 - basic; level 3 - proficient; and level 4 -distinguished. A principal shall receive one of the four summative performance ratings for each of the minimum criteria in (b) of this subsection and one of the four summative performance ratings for the evaluation as a whole, which shall be the comprehensive summative evaluation performance rating.

(d) By December 1, 2012, the superintendent of public instruction shall adopt rules that provide descriptors for each of the summative performance ratings, based on the development work of pilot school districts under subsection (7) of this section. Any subsequent changes to the descriptors by the superintendent may only be made following consultation with a group broadly reflective of the parties represented in subsection (7)(a) of this section.

(e) By September 1, 2012, the superintendent of public instruction shall identify up to three preferred leadership frameworks that support the revised evaluation system. The leadership frameworks shall be research-based and establish definitions or rubrics for each of the four performance ratings for each evaluation criteria. Each school district shall adopt one of the preferred leadership frameworks and post the selection on the district's web site. The superintendent of public instruction shall establish a process for approving minor modifications or adaptations to a preferred leadership framework that may be proposed by a school district.

(f) Student growth data that is ~~(referenced)~~ relevant to the principal must be a factor in the evaluation process and must be based on multiple measures that can include classroom-based, school-based, district-based, and state-based tools. As used in this subsection, "student growth" means the change in student achievement between two points in time.

(g) Input from building staff may also be included in the evaluation process.

(h) For principals who have been transitioned to the revised evaluation system pursuant to the district implementation schedule adopted under subsection (7)(c) of this section, the following comprehensive summative evaluation performance ratings mean a principal's work is not judged satisfactory:

(i) Level 1; or

(ii) Level 2 if the principal has more than five years of experience in the principal role and if the level 2 comprehensive summative evaluation performance rating has been received for two consecutive years or for two years within a consecutive three-year time period.

(7)(a) The superintendent of public instruction, in collaboration with state associations representing teachers, principals, administrators, school board members, and parents, to be known as the steering committee, shall create models for implementing the evaluation system criteria, student growth tools, professional development programs, and evaluator training for certificated classroom teachers and principals. Human resources specialists, professional development experts, and assessment experts must also be consulted. Due to the diversity of teaching assignments and the many developmental levels of students, classroom teachers and

principals must be prominently represented in this work. The models must be available for use in the 2011-12 school year.

(b) A new certificated classroom teacher evaluation system that implements the provisions of subsection (2) of this section and a new principal evaluation system that implements the provisions of subsection (6) of this section shall be phased-in beginning with the 2010-11 school year by districts identified in ~~((e))~~ (d) of this subsection and implemented in all school districts beginning with the 2013-14 school year.

(c) Each school district board of directors shall adopt a schedule for implementation of the revised evaluation systems that transitions a portion of classroom teachers and principals in the district to the revised evaluation systems each year beginning no later than the 2013-14 school year, until all classroom teachers and principals are being evaluated under the revised evaluation systems no later than the 2015-16 school year. A school district is not precluded from completing the transition of all classroom teachers and principals to the revised evaluation systems before the 2015-16 school year. The schedule adopted under this subsection (7)(c) must provide that the following employees are transitioned to the revised evaluation systems beginning in the 2013-14 school year:

(i) Classroom teachers who are provisional employees under RCW 28A.405.220;

(ii) Classroom teachers who are on probation under subsection (4) of this section;

(iii) Principals in the first three consecutive school years of employment as a principal;

(iv) Principals whose work is not judged satisfactory in their most recent evaluation; and

(v) Principals previously employed as a principal by another school district in the state of Washington for three or more consecutive school years and in the first full year as a principal in the school district.

(d) A set of school districts shall be selected by the superintendent of public instruction to participate in a collaborative process resulting in the development and piloting of new certificated classroom teacher and principal evaluation systems during the 2010-11 and 2011-12 school years. These school districts must be selected based on: (i) The agreement of the local associations representing classroom teachers and principals to collaborate with the district in this developmental work and (ii) the agreement to participate in the full range of development and implementation activities, including: Development of rubrics for the evaluation criteria and ratings in subsections (2) and (6) of this section; identification of or development of appropriate multiple measures of student growth in subsections (2) and (6) of this section; development of appropriate evaluation system forms; participation in professional development for principals and classroom teachers regarding the content of the new evaluation system; participation in evaluator training; and participation in activities to evaluate the effectiveness of the new systems and support programs. The school districts must submit to the office of the superintendent of public instruction data that is used in evaluations and all district-collected student achievement, aptitude, and growth data regardless of whether the data is used in evaluations. If the data is not available electronically, the district may submit it in nonelectronic form. The superintendent of public instruction must analyze the districts' use of student data in evaluations, including examining the extent that student data is not used or is underutilized. The superintendent of public instruction must also consult with participating districts and stakeholders, recommend appropriate changes, and address statewide implementation issues. The superintendent of public instruction shall report evaluation system implementation status, evaluation data, and recommendations to appropriate committees of the legislature and governor by July 1, 2011, and at the conclusion of the development phase by July 1,

THIRTY SEVENTH DAY, FEBRUARY 14, 2012

2012 REGULAR SESSION

2012. In the July 1, 2011, report, the superintendent shall include recommendations for whether a single statewide evaluation model should be adopted, whether modified versions developed by school districts should be subject to state approval, and what the criteria would be for determining if a school district's evaluation model meets or exceeds a statewide model. The report shall also identify challenges posed by requiring a state approval process.

(e)(i) The steering committee in subsection (7)(a) of this section and the pilot school districts in subsection (7)(d) of this section shall continue to examine implementation issues and refine tools for the new certificated classroom teacher evaluation system in subsection (2) of this section and the new principal evaluation system in subsection (6) of this section during the 2013-14 through 2015-16 implementation phase.

(ii) Particular attention shall be given to the following issues:

(A) Developing a report for the legislature and governor, due by December 1, 2013, of best practices and recommendations regarding how teacher and principal evaluations and other appropriate elements shall inform school district human resource and personnel practices. The legislature and governor are provided the opportunity to review the report and recommendations during the 2014 legislative session;

(B) Taking the new teacher and principal evaluation systems to scale and the use of best practices for statewide implementation;

(C) Providing guidance regarding the use of student growth data to assure it is used responsibly and with integrity;

(D) Refining evaluation system management tools, professional development programs, and evaluator training programs with an emphasis on developing rater reliability;

(E) Reviewing emerging research regarding teacher and principal evaluation systems and the development and implementation of evaluation systems in other states;

(F) Reviewing the impact that variable demographic characteristics of students and schools have on the objectivity, reliability, validity, and availability of student growth data; and

(G) Developing recommendations regarding how teacher evaluations could inform state policies regarding the criteria for a teacher to obtain continuing contract status under RCW 28A.405.210. In developing these recommendations the experiences of school districts and teachers during the evaluation transition phase must be considered. Recommendations must be reported by July 1, 2016, to the legislature and the governor.

(iii) To support the tasks in (e)(ii) of this subsection, the superintendent of public instruction may contract with an independent research organization with expertise in educator evaluations and knowledge of the revised evaluation systems being implemented under this section.

(iv) The superintendent of public instruction shall monitor the statewide implementation of revised teacher and principal evaluation systems using data reported under RCW 28A.150.230 as well as periodic input from focus groups of administrators, principals, and teachers.

(v) The superintendent of public instruction shall submit reports detailing findings, emergent issues or trends, recommendations from the steering committee, and pilot school districts, and other recommendations, to enhance implementation and continuous improvement of the revised evaluation systems to appropriate committees of the legislature and the governor beginning July 1, 2013, and each July 1st thereafter for each year of the school district implementation transition period concluding with a report on December 1, 2016.

(8)(a) Beginning with the 2015-16 school year, evaluation results for certificated classroom teachers and principals must be used as one of multiple factors in making human resource and personnel decisions. Human resource decisions include, but are not

limited to: Staff assignment, including the consideration of an agreement to an assignment by an appropriate teacher, principal, and superintendent; and reduction in force. Nothing in this section limits the ability to collectively bargain how the multiple factors shall be used in making human resource or personnel decisions, with the exception that evaluation results must be a factor.

(b) The office of the superintendent of public instruction must report to the legislature and the governor regarding the school district implementation of the provisions of (a) of this subsection by December 1, 2017.

(9) Each certificated classroom teacher and certificated support personnel shall have the opportunity for confidential conferences with his or her immediate supervisor on no less than two occasions in each school year. Such confidential conference shall have as its sole purpose the aiding of the administrator in his or her assessment of the employee's professional performance.

~~((9))~~ (10) The failure of any evaluator to evaluate or supervise or cause the evaluation or supervision of certificated classroom teachers and certificated support personnel or administrators in accordance with this section, as now or hereafter amended, when it is his or her specific assigned or delegated responsibility to do so, shall be sufficient cause for the nonrenewal of any such evaluator's contract under RCW 28A.405.210, or the discharge of such evaluator under RCW 28A.405.300.

~~((10))~~ (11) After a certificated classroom teacher or certificated support personnel has four years of satisfactory evaluations under subsection (1) of this section ~~((or has received one of the two top ratings for four years under subsection (2) of this section)),~~ a school district may use a short form of evaluation, a locally bargained evaluation emphasizing professional growth, an evaluation under subsection (1) or (2) of this section, or any combination thereof. The short form of evaluation shall include either a thirty minute observation during the school year with a written summary or a final annual written evaluation based on the criteria in subsection (1) or (2) of this section and based on at least two observation periods during the school year totaling at least sixty minutes without a written summary of such observations being prepared. A locally bargained short-form evaluation emphasizing professional growth must provide that the professional growth activity conducted by the certificated classroom teacher be specifically linked to one or more of the certificated classroom teacher evaluation criteria. However, the evaluation process set forth in subsection (1) or (2) of this section shall be followed at least once every three years unless this time is extended by a local school district under the bargaining process set forth in chapter 41.59 RCW. The employee or evaluator may require that the evaluation process set forth in subsection (1) or (2) of this section be conducted in any given school year. No evaluation other than the evaluation authorized under subsection (1) or (2) of this section may be used as a basis for determining that an employee's work is not satisfactory under subsection (1) or (2) of this section or as probable cause for the nonrenewal of an employee's contract under RCW 28A.405.210 unless an evaluation process developed under chapter 41.59 RCW determines otherwise. The provisions of this subsection apply to certificated classroom teachers only until the teacher has been transitioned to the revised evaluation system pursuant to the district implementation schedule adopted under subsection (7)(c) of this section.

(12) All certificated classroom teachers and principals who have been transitioned to the revised evaluation systems pursuant to the district implementation schedule adopted under subsection (7)(c) of this section must receive annual performance evaluations as provided in this subsection:

(a) All classroom teachers and principals shall receive a comprehensive summative evaluation at least once every four years.

A comprehensive summative evaluation assesses all eight evaluation criteria and all criteria contribute to the comprehensive summative evaluation performance rating.

(b) The following categories of classroom teachers and principals shall receive an annual comprehensive summative evaluation:

(i) Classroom teachers who are provisional employees under RCW 28A.405.220;

(ii) Principals in the first three consecutive school years of employment as a principal;

(iii) Principals previously employed as a principal by another school district in the state of Washington for three or more consecutive school years and in the first full year as a principal in the school district; and

(iv) Any classroom teacher or principal who received a comprehensive summative evaluation performance rating of level 1 or level 2 in the previous school year.

(c)(i) In the years when a comprehensive summative evaluation is not required, classroom teachers and principals who received a comprehensive summative evaluation performance rating of level 3 or above in the previous school year are required to complete a focused evaluation. A focused evaluation includes an assessment of one of the eight criteria selected for a performance rating plus professional growth activities specifically linked to the selected criteria.

(ii) The selected criteria must be approved by the teacher's or principal's evaluator and may have been identified in a previous comprehensive summative evaluation as benefiting from additional attention. A group of teachers may focus on the same evaluation criteria and share professional growth activities. A group of principals may focus on the same evaluation criteria and share professional growth activities.

(iii) The evaluator must assign a comprehensive summative evaluation performance rating for the focused evaluation using the methodology adopted by the superintendent of public instruction for the instructional or leadership framework being used.

(iv) A teacher or principal may be transferred from a focused evaluation to a comprehensive summative evaluation at the request of the teacher or principal, or at the direction of the teacher's or principal's evaluator.

(v) Due to the importance of instructional leadership and assuring rater agreement among evaluators, particularly those evaluating teacher performance, school districts are encouraged to conduct comprehensive summative evaluations of principal performance on an annual basis.

(vi) A classroom teacher or principal may apply the focused evaluation professional growth activities toward the professional growth plan for professional certificate renewal as required by the professional educator standards board.

(13) Each school district is encouraged to acknowledge and recognize classroom teachers and principals who have attained level 4 -distinguished performance ratings.

**Sec. 2.** RCW 28A.405.120 and 1995 c 335 s 401 are each amended to read as follows:

(1) School districts shall require each administrator, each principal, or other supervisory personnel who has responsibility for evaluating classroom teachers or principals to have training in evaluation procedures.

(2) Before school district implementation of the revised evaluation systems required under RCW 28A.405.100, principals and administrators who have evaluation responsibilities must engage in professional development designed to implement the revised systems and maximize rater agreement.

**Sec. 3.** RCW 28A.405.130 and 1985 c 420 s 4 are each amended to read as follows:

(1) No administrator, principal, or other supervisory personnel may evaluate a teacher without having received training in evaluation procedures.

(2) Before evaluating classroom teachers using the evaluation systems required under RCW 28A.405.100, principals and administrators must engage in professional development designed to implement the revised systems and maximize rater agreement.

**NEW SECTION. Sec. 4.** A new section is added to chapter 28A.410 RCW to read as follows:

(1)(a) After August 31, 2013, candidates for a residency principal certificate must have demonstrated knowledge of teacher evaluation research and Washington's evaluation requirements and successfully completed opportunities to practice teacher evaluation skills.

(b) At a minimum, principal preparation programs must address the following knowledge and skills related to evaluations:

(i) Examination of Washington teacher and principal evaluation criteria, and four-tiered performance rating system, and the preferred instructional and leadership frameworks used to describe the evaluation criteria;

(ii) Classroom observations;

(iii) The use of student growth data and multiple measures of performance;

(iv) Evaluation conferencing;

(v) Development of classroom teacher and principal support plans resulting from an evaluation; and

(vi) Use of an online tool to manage the collection of observation notes, teacher and principal-submitted materials, and other information related to the conduct of the evaluation.

(2) Beginning September 1, 2016, the professional educator standards board shall incorporate in-service training or continuing education on the revised teacher and principal evaluation systems under RCW 28A.405.100 as a requirement for renewal of continuing or professional level certificates, including requiring knowledge and competencies in teacher and principal evaluation systems as an aspect of professional growth plans used for certificate renewal.

**NEW SECTION. Sec. 5.** A new section is added to chapter 28A.405 RCW to read as follows:

(1) Subject to funds appropriated for this purpose, the office of the superintendent of public instruction must develop and make available a professional development program to support the implementation of the evaluation systems required by RCW 28A.405.100. The program components may be organized into professional development modules for principals, administrators, and teachers. The professional development program shall include a comprehensive online training package.

(2) The training program must include, but not be limited to, the following topics:

(a) Introduction of the evaluation criteria for teachers and principals and the four-level rating system;

(b) Orientation to and use of instructional frameworks;

(c) Orientation to and use of the leadership frameworks;

(d) Best practices in developing and using data in the evaluation systems, including multiple measures, student growth data, classroom observations, and other measures and evidence;

(e) Strategies for achieving maximum rater agreement;

(f) Evaluator feedback protocols in the evaluation systems;

(g) Examples of high quality teaching and leadership; and

(h) Methods to link the evaluation process to ongoing educator professional development.

(3) To the maximum extent feasible, the professional development program must incorporate or adapt existing online training or curriculum, including securing materials or curriculum under contract or purchase agreements within available funds. Multiple modes of instruction should be incorporated including

THIRTY SEVENTH DAY, FEBRUARY 14, 2012

2012 REGULAR SESSION

videos of classroom teaching, participatory exercises, and other engaging combinations of online audio, video, and print presentation.

(4) The professional development program must be developed in modules that allow:

(a) Access to material over a reasonable number of training sessions;

(b) Delivery in person or online; and

(c) Use in a self-directed manner.

(5) The office of the superintendent of public instruction must maintain a web site that includes the online professional development materials along with sample evaluation forms and templates, links to relevant research on evaluation and on high quality teaching and leadership, samples of contract and collective bargaining language on key topics, examples of multiple measures of teacher and principal performance, suggestions for data to measure student growth, and other tools that will assist school districts in implementing the revised evaluation systems.

(6) The office of the superintendent of public instruction must identify the number of in-service training hours associated with each professional development module and develop a way for users to document their completion of the training. Documented completion of the training under this section is considered approved in-service training for the purposes of RCW 28A.415.020.

(7) The office of the superintendent of public instruction shall periodically update the modules to reflect new topics and research on performance evaluation so that the training serves as an ongoing source of continuing education and professional development.

(8) The office of the superintendent of public instruction shall work with the educational service districts to provide clearinghouse services for the identification and publication of professional development opportunities for teachers and principals that align with performance evaluation criteria.

**Sec. 6.** RCW 28A.415.023 and 2011 1st sp.s. c 18 s 6 are each amended to read as follows:

(1) Credits earned by certificated instructional staff after September 1, 1995, shall be eligible for application to the salary schedule developed by the legislative evaluation and accountability program committee only if the course content:

(a) Is consistent with a school-based plan for mastery of student learning goals as referenced in RCW 28A.655.110, the annual school performance report, for the school in which the individual is assigned;

(b) Pertains to the individual's current assignment or expected assignment for the subsequent school year;

(c) Is necessary to obtain an endorsement as prescribed by the Washington professional educator standards board;

(d) Is specifically required to obtain advanced levels of certification;

(e) Is included in a college or university degree program that pertains to the individual's current assignment, or potential future assignment, as a certified instructional staff; ~~((e))~~

(f) Addresses research-based assessment and instructional strategies for students with dyslexia, dysgraphia, and language disabilities when addressing learning goal one under RCW 28A.150.210, as applicable and appropriate for individual certificated instructional staff; or

(g) Pertains to the revised teacher evaluation system under RCW 28A.405.100, including the professional development training provided in section 5 of this act.

(2) For the purpose of this section, "credits" mean college quarter hour credits and equivalent credits for approved in-service, approved continuing education, or approved internship hours computed in accordance with RCW 28A.415.020.

(3) The superintendent of public instruction shall adopt rules and standards consistent with the limits established by this section for certificated instructional staff.

(4) For the 2011-12 and 2012-13 school years, application of credits or credit equivalents earned under this section after October 1, 2010, to the salary schedule developed by the legislative evaluation and accountability program committee is subject to any conditions or limitations contained in the omnibus operating appropriations act.

**Sec. 7.** RCW 28A.405.220 and 2010 c 235 s 203 are each amended to read as follows:

(1) Notwithstanding the provisions of RCW 28A.405.210, every person employed by a school district in a teaching or other nonsupervisory certificated position shall be subject to nonrenewal of employment contract as provided in this section during the first three years of employment by such district, unless: (a) The employee has previously completed at least two years of certificated employment in another school district in the state of Washington, in which case the employee shall be subject to nonrenewal of employment contract pursuant to this section during the first year of employment with the new district; or (b) the employee has received an evaluation rating below level 2 on the four-level rating system established under RCW 28A.405.100 during the third year of employment, in which case the employee shall remain subject to the nonrenewal of the employment contract until the employee receives a level 2 rating; or (c) the school district superintendent may make a determination to remove an employee from provisional status if the employee has received one of the top two evaluation ratings during the second year of employment by the district. Employees as defined in this section shall hereinafter be referred to as "provisional employees."

(2) In the event the superintendent of the school district determines that the employment contract of any provisional employee should not be renewed by the district for the next ensuing term such provisional employee shall be notified thereof in writing on or before May 15th preceding the commencement of such school term, or if the omnibus appropriations act has not passed the legislature by May 15th, then notification shall be no later than June 15th, which notification shall state the reason or reasons for such determination. Such notice shall be served upon the provisional employee personally, or by certified or registered mail, or by leaving a copy of the notice at the place of his or her usual abode with some person of suitable age and discretion then resident therein. The determination of the superintendent shall be subject to the evaluation requirements of RCW 28A.405.100.

(3) Every such provisional employee so notified, at his or her request made in writing and filed with the superintendent of the district within ten days after receiving such notice, shall be given the opportunity to meet informally with the superintendent for the purpose of requesting the superintendent to reconsider his or her decision. Such meeting shall be held no later than ten days following the receipt of such request, and the provisional employee shall be given written notice of the date, time and place of meeting at least three days prior thereto. At such meeting the provisional employee shall be given the opportunity to refute any facts upon which the superintendent's determination was based and to make any argument in support of his or her request for reconsideration.

(4) Within ten days following the meeting with the provisional employee, the superintendent shall either reinstate the provisional employee or shall submit to the school district board of directors for consideration at its next regular meeting a written report recommending that the employment contract of the provisional employee be nonrenewed and stating the reason or reasons therefor. A copy of such report shall be delivered to the provisional employee at least three days prior to the scheduled meeting of the board of

directors. In taking action upon the recommendation of the superintendent, the board of directors shall consider any written communication which the provisional employee may file with the secretary of the board at any time prior to that meeting.

(5) The board of directors shall notify the provisional employee in writing of its final decision within ten days following the meeting at which the superintendent's recommendation was considered. The decision of the board of directors to nonrenew the contract of a provisional employee shall be final and not subject to appeal.

(6) This section applies to any person employed by a school district in a teaching or other nonsupervisory certificated position after June 25, 1976. This section provides the exclusive means for nonrenewing the employment contract of a provisional employee and no other provision of law shall be applicable thereto, including, without limitation, RCW 28A.405.210 and chapter 28A.645 RCW."

Senators McAuliffe and Litzow spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator McAuliffe and others to Substitute Senate Bill No. 5895.

The motion by Senator Eide carried and the striking amendment was adopted by voice vote.

#### MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "employees;" strike the remainder of the title and insert "amending RCW 28A.405.100, 28A.405.120, 28A.405.130, 28A.415.023, and 28A.405.220; adding a new section to chapter 28A.410 RCW; and adding a new section to chapter 28A.405 RCW."

#### MOTION

On motion of Senator Eide, the rules were suspended, Engrossed Substitute Senate Bill No. 5895 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McAuliffe, Tom, Nelson, Brown, Becker, Shin, Zarelli, Ranker, Ericksen, Chase and Rolfes spoke in favor of passage of the bill.

Senators Pridemore and Conway spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5895.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5895 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Delvin, Eide, Ericksen, Fain, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist, Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Conway, Fraser and Pridemore

ENGROSSED SUBSTITUTE SENATE BILL NO. 5895, having received the constitutional majority, was declared passed.

There being no objection, the title of the bill was ordered to stand as the title of the act.

#### PERSONAL PRIVILEGE

Senator McAuliffe: "I do want to recognize the expertise in the staff that worked on this bill. We negotiated the Governor's office and our staff, Heather Lewis-Lechner, Mary Kenfield and Judy Hartmann were there every inch of the way and I want to thank them for their work. This will make a difference in the lives of our children in our schools and it's a very important bill and they did the work. Thank you all."

#### SECOND READING

SENATE BILL NO. 6171, by Senators Haugen, King and Shin

Modifying the weight limitation for certain vessels exempt from the pilotage act.

The measure was read the second time.

#### MOTION

On motion of Senator Haugen, the rules were suspended, Senate Bill No. 6171 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Haugen and King spoke in favor of passage of the bill.

#### MOTION

On motion of Senator Harper, Senator McAuliffe was excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6171.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6171 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist, Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senator Baumgartner

SENATE BILL NO. 6171, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5246, by Senators Chase, Harper, White and Nelson

Concerning employer review of abstracts of driving records.

#### MOTIONS

THIRTY SEVENTH DAY, FEBRUARY 14, 2012

2012 REGULAR SESSION

On motion of Senator Chase, Substitute Senate Bill No. 5246 was substituted for Senate Bill No. 5246 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Chase, the rules were suspended, Substitute Senate Bill No. 5246 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Chase spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5246.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5246 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Swecker and Tom

Voting nay: Senators Baumgartner, Holmquist Newbry, Stevens and Zarelli

SUBSTITUTE SENATE BILL NO. 5246, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6545, by Senator Murray

Transferring the powers, duties, and functions of the developmental disabilities endowment from the department of health to the department of commerce.

The measure was read the second time.

MOTION

On motion of Senator Murray, the rules were suspended, Senate Bill No. 6545 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Murray spoke in favor of passage of the bill.

Senator Baumgartner spoke against passage of the bill.

MOTION

On motion of Senator Ericksen, Senator Pflug was excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6545.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6545 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove,

Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senator Baumgartner

Excused: Senator Pflug

SENATE BILL NO. 6545, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6169, by Senators Ranker, Litzow, Hargrove and Chase

Establishing the ocean policy advisory council. Revised for 1st Substitute: Concerning the Washington state coastal solutions council.

MOTIONS

On motion of Senator Ranker, Substitute Senate Bill No. 6169 was substituted for Senate Bill No. 6169 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Ranker, the rules were suspended, Substitute Senate Bill No. 6169 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Ranker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6169.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6169 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Ericksen, Holmquist Newbry and Padden

Excused: Senator Pflug

SUBSTITUTE SENATE BILL NO. 6169, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5197, by Senators Keiser and Pflug

Concerning the delegation of nursing care tasks to home care aides.

MOTIONS

On motion of Senator Keiser, Substitute Senate Bill No. 5197 was substituted for Senate Bill No. 5197 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Keiser, the rules were suspended, Substitute Senate Bill No. 5197 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Becker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5197.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5197 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Pflug

SUBSTITUTE SENATE BILL NO. 5197, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6070, by Senators Kline, Frockt, Harper, Keiser and Shin

Concerning the recording of residential real property. Revised for 1st Substitute: Convening a stakeholder group to discuss certain recording deeds of trust issues.

#### MOTIONS

On motion of Senator Hobbs, Substitute Senate Bill No. 6070 was substituted for Senate Bill No. 6070 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hobbs, the rules were suspended, Substitute Senate Bill No. 6070 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hobbs and Benton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6070.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6070 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray,

Nelson, Padden, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Pflug

SUBSTITUTE SENATE BILL NO. 6070, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6242, by Senators Hobbs and Litzow

Addressing specialty producer licenses.

#### MOTIONS

On motion of Senator Hobbs, Substitute Senate Bill No. 6242 was substituted for Senate Bill No. 6242 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hobbs, the rules were suspended, Substitute Senate Bill No. 6242 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hobbs spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6242.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6242 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Pflug

SUBSTITUTE SENATE BILL NO. 6242, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6407, by Senators Carrell, Regala and Kline

Providing transitional reentry housing through the department of corrections.

#### MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 6407 was substituted for Senate Bill No. 6407 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Substitute Senate Bill No. 6407 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

THIRTY SEVENTH DAY, FEBRUARY 14, 2012

2012 REGULAR SESSION

Senators Hargrove and Carrell spoke in favor of passage of the bill.

MOTION

On motion of Senator Harper, Senator Kline was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6407.

SECOND READING

ROLL CALL

SENATE BILL NO. 6157, by Senators Delvin, Hargrove, Stevens, Benton, Ericksen and Parlette

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6407 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Requiring juvenile detention intake standards for juveniles who are developmentally disabled.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

The measure was read the second time.

MOTION

Excused: Senator Pflug

SUBSTITUTE SENATE BILL NO. 6407, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Delvin, the rules were suspended, Senate Bill No. 6157 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Delvin and Harper spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6157.

SECOND READING

ROLL CALL

SENATE BILL NO. 6098, by Senators Rolfes, Hargrove, Fain and Kohl-Welles

The Secretary called the roll on the final passage of Senate Bill No. 6157 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Revising fingerprinting requirements for licensing of private investigators and private security guards.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

The measure was read the second time.

MOTION

Excused: Senators Kline and Pflug

On motion of Senator Rolfes, the rules were suspended, Senate Bill No. 6098 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rolfes spoke in favor of passage of the bill.

SENATE BILL NO. 6157, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6098.

SECOND READING

ROLL CALL

SENATE BILL NO. 6056, by Senators Swecker, Pridemore and Shin

The Secretary called the roll on the final passage of Senate Bill No. 6098 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Concerning legal defense funds of candidates and public officials.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

MOTIONS

Absent: Senator Kline

Excused: Senator Pflug

SENATE BILL NO. 6098, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Swecker, Substitute Senate Bill No. 6056 was substituted for Senate Bill No. 6056 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Swecker, the rules were suspended, Substitute Senate Bill No. 6056 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Swecker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6056.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6056 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Murray, Nelson, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Ericksen, Morton, Padden and Sheldon  
Excused: Senator Pflug

SUBSTITUTE SENATE BILL NO. 6056, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6498, by Senator Swecker

Modifying write-in voting provisions.

The measure was read the second time.

## MOTION

On motion of Senator Swecker, the rules were suspended, Senate Bill No. 6498 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Swecker spoke in favor of passage of the bill.  
Senator Roach spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6498.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6498 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 21; Absent, 0; Excused, 1.

Voting yea: Senators Brown, Chase, Conway, Eide, Fraser, Hargrove, Harper, Hatfield, Haugen, Holmquist Newbry, Keiser, Kilmer, King, Kline, Kohl-Welles, McAuliffe, Murray, Nelson, Parlette, Prentice, Pridemore, Ranker, Regala, Rolfes, Shin, Swecker and Tom

Voting nay: Senators Baumgartner, Becker, Benton, Carrell, Delvin, Ericksen, Fain, Frockt, Hewitt, Hill, Hobbs, Honeyford, Kastama, Litzow, Morton, Padden, Roach, Schoesler, Sheldon, Stevens and Zarelli

Excused: Senator Pflug

SENATE BILL NO. 6498, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6387, by Senator Ranker

Concerning state parks, recreation, and natural resources fiscal matters.

## MOTIONS

On motion of Senator Ranker, Substitute Senate Bill No. 6387 was substituted for Senate Bill No. 6387 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Ranker, the rules were suspended, Substitute Senate Bill No. 6387 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Ranker and Schoesler spoke in favor of passage of the bill.

Senator Padden spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6387.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6387 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 6; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Honeyford, Kastama, Keiser, Kilmer, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Baumgartner, Becker, Ericksen, Holmquist Newbry, King and Padden

Excused: Senator Pflug

SUBSTITUTE SENATE BILL NO. 6387, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

At 5:03 p.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Wednesday, February 15, 2012.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate



1508-S		2400	
Messages .....	1	Messages .....	1
1556-S		2401	
Messages .....	1	Messages .....	1
1860-S3		2405	
Messages .....	1	Messages .....	1
2152		2407-S	
Introduction & 1 <sup>st</sup> Reading .....	2	Introduction & 1 <sup>st</sup> Reading.....	3
2156-S2		2416-S	
Messages .....	1	Messages .....	1
2170-S2		2421-S	
Introduction & 1 <sup>st</sup> Reading .....	2	Introduction & 1 <sup>st</sup> Reading.....	3
2176-S		2443-S2	
Messages .....	1	Messages .....	1
2177-S		2452-S2	
Introduction & 1 <sup>st</sup> Reading .....	2	Introduction & 1 <sup>st</sup> Reading.....	3
2179		2474	
Introduction & 1 <sup>st</sup> Reading .....	2	Introduction & 1 <sup>st</sup> Reading.....	3
2211-S2		2488	
Introduction & 1 <sup>st</sup> Reading .....	2	Messages .....	1
2216-S2		2503-S	
Messages .....	1	Introduction & 1 <sup>st</sup> Reading.....	3
2238-S2		2536-S2	
Messages .....	21	Messages .....	1
2239-S		2570-S	
Messages .....	1	Messages .....	1
2240		2571-S	
Messages .....	1	Messages .....	21
2253-S2		2586-S	
Messages .....	1	Introduction & 1 <sup>st</sup> Reading.....	3
2254-S		2590-S	
Introduction & 1 <sup>st</sup> Reading .....	2	Messages .....	1
2263-S		2604	
Messages .....	1	Messages .....	1
2265-S2		2605-S	
Messages .....	21	Messages .....	1
2272-S		2614-S	
Messages .....	1	Messages .....	1
2289-S2		2615-S	
Messages .....	1	Messages .....	1
2296-S		2624	
Messages .....	1	Messages .....	1
2297-S		2640-S	
Messages .....	1	Introduction & 1 <sup>st</sup> Reading.....	3
2302-S		2648-S	
Messages .....	1	Messages .....	1
2304		2669-S	
Messages .....	1	Messages .....	1
2319-S2		2671	
Introduction & 1 <sup>st</sup> Reading .....	2	Messages .....	21
2330-S		2673-S	
Messages .....	21	Messages .....	1
2337-S2		2697	
Introduction & 1 <sup>st</sup> Reading .....	2	Messages .....	1
2341-S		2717-S2	
Messages .....	21	Introduction & 1 <sup>st</sup> Reading.....	4
2346		2722-S	
Introduction & 1 <sup>st</sup> Reading .....	3	Messages .....	1
2353		2733-S	
Messages .....	1	Messages .....	1
2372-S		2735	
Messages .....	1	Messages .....	1
2375-S		2736-S	
Messages .....	1	Introduction & 1 <sup>st</sup> Reading.....	4
2395-S		2738	
Introduction & 1 <sup>st</sup> Reading .....	3	Messages .....	1

THIRTY SEVENTH DAY, FEBRUARY 14, 2012

2012 REGULAR SESSION

2747-S	6056-S
Introduction & 1 <sup>st</sup> Reading .....4	Second Reading ..... 43
2757-S	Third Reading Final Passage..... 44
Messages ..... 1	6070
2758	Second Reading ..... 42
Messages ..... 1	6070-S
2771	Second Reading ..... 42
Messages ..... 21	Third Reading Final Passage..... 42
5154-S	6075
Other Action .....8, 12	Second Reading ..... 7
Second Reading ..... 8	6075-S
Third Reading ..... 8	Second Reading ..... 7
Third Reading Final Passage ..... 12	Third Reading Final Passage..... 7
5197	6098
Second Reading ..... 41	Second Reading ..... 43
5197-S	Third Reading Final Passage..... 43
Second Reading ..... 42	6123
Third Reading Final Passage ..... 42	Second Reading ..... 16
5246	6123-S
Second Reading ..... 40	Second Reading ..... 16
5246-S	Third Reading Final Passage..... 16
Second Reading ..... 41	6135
Third Reading Final Passage ..... 41	Second Reading ..... 6
5381	6135-S
Second Reading ..... 29	Second Reading ..... 7
5381-S	Third Reading Final Passage..... 7
Second Reading ..... 29	6157
Third Reading Final Passage ..... 29	Second Reading ..... 43
5539-S2	Third Reading Final Passage..... 43
Other Action ..... 15	6167
Second Reading ..... 15	Second Reading ..... 29
Third Reading ..... 15	6167-S
Third Reading Final Passage ..... 15	Second Reading ..... 29
5766	Third Reading Final Passage..... 29
Second Reading ..... 17	6169
5766-S	Second Reading ..... 41
Second Reading ..... 17	6169-S
Third Reading Final Passage ..... 17	Second Reading ..... 41
5895	Third Reading Final Passage..... 41
Second Reading ..... 34	6171
5895-S	Second Reading ..... 40
Other Action ..... 40	Third Reading Final Passage..... 40
Second Reading ..... 34	6180
Third Reading Final Passage ..... 40	Second Reading ..... 4
5981	6180-S
Second Reading ..... 13	Second Reading ..... 4
Third Reading Final Passage ..... 13	Third Reading Final Passage..... 5
5990	6208
Second Reading ..... 16	Second Reading ..... 13
5990-S	6208-S
Second Reading ..... 16	Second Reading ..... 13
Third Reading Final Passage ..... 17	Third Reading Final Passage..... 14
5991	6215
Second Reading ..... 30	Other Action ..... 33
5991-S	Second Reading ..... 32
Other Action ..... 32	Third Reading Final Passage..... 33
Second Reading ..... 30	6242
Third Reading Final Passage ..... 32	Second Reading ..... 42
6005	6242-S
Second Reading ..... 14	Second Reading ..... 42
6005-S	Third Reading Final Passage..... 42
Second Reading ..... 14	6280
Third Reading Final Passage ..... 14	Second Reading ..... 22
6056	6280-S
Second Reading ..... 43	Other Action ..... 24

Second Reading .....22  
 Third Reading Final Passage .....24  
 6325  
 Second Reading .....21  
 6325-S  
 Second Reading .....22  
 Third Reading Final Passage .....22  
 6328  
 Second Reading .....7  
 6328-S  
 Second Reading .....8  
 Third Reading Final Passage .....8  
 6365  
 Second Reading .....17  
 6365-S  
 Second Reading .....17  
 Third Reading Final Passage .....17  
 6387  
 Second Reading .....44  
 6387-S  
 Second Reading .....44  
 Third Reading Final Passage .....44  
 6403  
 Second Reading .....7  
 6403-S  
 Second Reading .....7  
 Third Reading Final Passage .....7  
 6407  
 Second Reading .....42  
 6407-S  
 Second Reading .....42  
 Third Reading Final Passage .....43  
 6414  
 Second Reading .....8  
 6414-S  
 Second Reading .....8  
 Third Reading Final Passage .....8  
 6440  
 Second Reading .....13  
 Third Reading Final Passage .....13  
 6445  
 Second Reading .....5  
 6445-S  
 Other Action .....5, 6  
 Second Reading .....5, 6  
 Third Reading Final Passage .....6  
 6470  
 Second Reading .....28  
 6470-S  
 Second Reading .....28  
 Third Reading Final Passage .....29

6477  
 Second Reading .....17  
 6477-S  
 Other Action .....21  
 Second Reading .....17  
 Third Reading Final Passage .....21  
 6492  
 Second Reading .....15  
 6492-S  
 Second Reading .....15  
 Third Reading Final Passage .....16  
 6498  
 Second Reading .....44  
 Third Reading Final Passage .....44  
 6508  
 Second Reading .....33  
 6508-S  
 Second Reading .....33  
 Third Reading Final Passage .....33  
 6523  
 Second Reading .....29  
 Third Reading Final Passage .....29  
 6545  
 Second Reading .....41  
 Third Reading Final Passage .....41  
 6574  
 Second Reading .....14  
 6574-S  
 Second Reading .....14  
 Third Reading Final Passage .....14  
 6589  
 Other Action .....28  
 Second Reading .....24, 25  
 Third Reading Final Passage .....28  
 6596  
 Introduction & 1<sup>st</sup> Reading .....2  
 6597  
 Introduction & 1<sup>st</sup> Reading .....2  
 Other Action .....4  
**PRESIDENT OF THE SENATE**  
 Intro. Special Guests, Ukrainian government leaders .....4  
 Reply by the President .....4  
**WASHINGTON STATE SENATE**  
 Personal Privilege, Senator Fain .....4  
 Personal Privilege, Senator Honeyford .....4  
 Personal Privilege, Senator McAuliffe .....40  
 Point of Inquiry, Senator Benton .....14  
 Point of Inquiry, Senator Holmquist Newbry .....15  
 Statement for the Journal, Senator Benton .....13  
 Statement for the Journal, Senator Stevens .....13